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# Executive Orders

## EXECUTIVE ORDER KBB 05-85

Bond Allocation—Louisiana Public Facilities Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2004-21 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2005 (hereafter "the 2005 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2005 Ceiling; and

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

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 2005 Ceiling to finance the acquisition and renovation of a multi-family residential complex for low to moderate income residents located at 2500 Montgomery Lane, Bossier City, parish of Bossier, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2005 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$4,150,000	Louisiana Public Facilities Authority	North Park Apartments

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

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2005, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 2005.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#087

## EXECUTIVE ORDER KBB 05-86

Louisiana Housing Finance Agency—Qualified Home Improvement Loans and Qualified Rehabilitation Loans

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act"), Executive Order No. KBB 2005-12 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2005 (hereafter "the 2005 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2005 Ceiling; and

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

WHEREAS, Section 4(H) of KBB 2005-12 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, Hurricanes Katrina and Rita have

(1) displaced hundreds of thousands of households from core disaster areas determined by the president to warrant individual and public assistance from the federal government under Section 401 of the Robert T. Stafford Act;

(2) created a critical shortfall in the labor force jeopardizing vital industries and businesses;

(3) destroyed thousands of residential housing units in the core disaster areas that are critical to housing the labor force serving vital industries and businesses in the core disaster areas; and

(4) substantially damaged tens of thousands of other residential units in the core disaster areas that must be rehabilitated in order for the population base and labor force to be able to return to the core disaster areas to service the economic generators and industries of such disaster areas;

WHEREAS, the governor desires to allocate private activity volume cap on a priority basis to the core disaster areas to stimulate the investment of funds for affordable housing in such areas;

WHEREAS, the Louisiana Recovery Authority and its permanent housing task force are working closely with the Louisiana Housing Finance Agency to develop a comprehensive statewide housing plan, including the use of private activity volume cap as outlined in this Order, to address the challenges and needs presented by Hurricanes Katrina and Rita;

WHEREAS, pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, (hereafter "Code") and in accordance with the request for a carry-forward filed by the Louisiana Housing Finance Agency, excess and unissued private activity bond volume limit under the 2002 and 2003 Ceilings was allocated to the Louisiana Housing Finance Agency for the issuance of qualified mortgage bonds to finance owner-occupied housing throughout the state of Louisiana; and

WHEREAS, of the one hundred sixty million three hundred sixty-six thousand two hundred sixteen dollars (\$160,366,216) of carry-forward allocated to the Louisiana Housing Finance Agency for qualified mortgage bonds, the Louisiana Housing Finance Agency has an unissued balance of one hundred twenty-nine million four hundred fifty-six thousand four hundred forty-nine dollars (\$129,456,449) from the 2002 Ceiling and twenty-five million dollars (\$25,000,000) from the 2003 Ceiling;

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

SECTION 1: Of the aggregate unissued one hundred fifty-four million four hundred fifty-seven thousand four hundred forty-nine dollars (\$154,457,449) of carry-forward balance for qualified mortgage revenue bonds available to the Louisiana Housing Finance Agency from the 2002 and 2003 Ceilings, at least one hundred million dollars (\$100,000,000) shall be made available by the Louisiana Housing Finance Agency for qualified mortgages under Section 143 of the Internal Revenue Code of 1986, as amended, to increase the availability of housing for citizens displaced by Hurricanes Katrina and Rita.

SECTION 2: Of the one hundred million dollars (\$100,000,000) of carry-forward for qualified mortgage revenue bonds to be set-aside, not less than seventy-five million dollars (\$75,000,000) shall be used by the Louisiana Housing Finance Agency for qualified home improvement loans under Section 143(k)(4) of the Internal Revenue Code, as amended or on qualified rehabilitation loans under Section 143(k)(5) of the Internal Revenue Code, as amended, to increase the availability of housing for citizens displaced by Hurricanes Katrina and Rita.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#88

#### EXECUTIVE ORDER KBB 05-87

Louisiana Housing Finance Agency  
Qualified Residential Projects

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act"), Executive Order No. KBB 2005-12 was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2005 (hereafter "the 2005 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2005 Ceiling; and
- (3) a system of central record keeping for such allocations;

WHEREAS, Section 4(H) of KBB 2005-12 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, Hurricanes Katrina and Rita have

- (1) displaced hundreds of thousands of households from core disaster areas determined by the president to warrant individual and public assistance from the federal government under Section 401 of the Robert T. Stafford Act;
- (2) created a critical shortfall in the labor force jeopardizing vital industries and businesses in such core disaster areas;
- (3) destroyed thousands of residential housing units in the core disaster areas that are critical to housing the labor force serving vital industries and businesses in the core disaster areas; and

- (4) substantially damaged tens of thousands of other residential units in the core disaster areas that must be rehabilitated in order for the population base and labor force to be able to return to the core disaster areas to service the economic generators and industries of such disaster areas;

WHEREAS, the governor desires to allocate private activity volume cap on a priority basis to the core disaster areas to stimulate the investment of funds for affordable housing in such areas;

WHEREAS, the Louisiana Recovery Authority and its permanent housing task force are working closely with the Louisiana Housing Finance Agency to develop a comprehensive statewide housing plan, including the use of private activity volume cap as outlined in this Order, to address the challenges and needs presented by Hurricanes Katrina and Rita;

WHEREAS, pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for a carry-forward filed by the Louisiana Housing Finance Agency, excess and unissued private activity bond volume limit under the 2003 and 2004 Ceilings was allocated to the Louisiana Housing Finance Agency for the issuance of private activity bonds to finance qualified residential rental projects throughout the state of Louisiana; and

WHEREAS, the entire ninety-six million four hundred thousand one hundred seventy dollars (\$96,400,170) carry-forward allocated to the Louisiana Housing Finance Agency for qualified residential rental projects remains unissued;

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

SECTION 1: Of the aggregate unissued ninety-six million four hundred thousand one hundred seventy dollars (\$96,400,170) of carry-forward balance for qualified residential projects available to the Louisiana Housing Finance Agency from the 2003 and 2004 Ceilings, at least ninety-five million dollars (\$95,000,000) shall be made available by the Louisiana Housing Finance Agency for financing qualified residential projects, to increase the availability of housing for citizens displaced by Hurricanes Katrina and Rita.

SECTION 2: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#089

**EXECUTIVE ORDER KBB 05-88**

Emergency Suspension of Certain Workers' Compensation Laws—Extends Executive Order No. KBB 05-52

WHEREAS, Executive Order No. KBB 2005-52, issued on September 29, 2005, suspended portions of R.S. 23:1124 regarding consequences for failure to timely submit to a medical examination and portions of R.S. 23:1203(A) to the extent that such statute differentiates between in-state and out-of-state providers and facilities, due to the mass

displacement of claimants across the state of Louisiana and the nation; and

WHEREAS, Executive Order No. 2005-74, issued on October 25, 2005, extended the effective date until Monday, November 28, 2005; and

WHEREAS, the secretary of the Department of Labor has requested this Order be extended until February 28, 2006, due to the closure of offices in the parishes of Jefferson and Orleans;

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

SECTION 1 Section 3 of Executive Order No. KBB 2005-52, issued on September 29, 2005, as amended by Executive Order No. KBB 2005-74, issued on October 25, 2005, is amended as follows:

This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Sunday, January 1, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to Sunday, January 1, 2006.

SECTION 2: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-52, issued on September 29, 2005, as amended by Executive Order No. KBB 2005-74, issued on October 25, 2005, shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until Tuesday, February 28, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#090

**EXECUTIVE ORDER KBB 05-89**

Emergency Filing Procedures for  
Uniform Commercial Code and Notary Bonds  
Extends Executive Order No. KBB 05-56

WHEREAS, Executive Order No. KBB 2005-56, issued on October 6, 2005, suspended the requirement that certain Uniform Commercial Code (hereafter "UCC"), filings be filed in the same parish as the original financing statement and that such notary, with temporary residence outside of their original parish, not be required to file additional bonds nor be assessed penalties for late annual report filings;

WHEREAS, Executive Order No. KBB 2005-75, issued on October 25, 2005, extended the termination date of the Order until Thursday, November 24, 2005; and

WHEREAS, the Secretary of State has requested this Order be extended;

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

SECTION 1: Section 1 of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, is amended as follows:

Until Tuesday, February 28, 2006, or the appropriate Clerk of Court's office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington and in the Recorder of Mortgages in Orleans Parish, may be filed in any operational Clerk of Court office within the state of Louisiana.

SECTION 2: Section 3 of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, is amended as follows:

Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammy, and Washington during the time period of Friday, August 26, 2005, and Tuesday, February 28, 2006.

SECTION 3: Section 4 of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, is amended as follows:

Also until Tuesday, February 28, 2006, or the appropriate Clerk of Court's office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion may be filed in any operational Clerk of Court office within the state of Louisiana.

SECTION 4: Section 6 of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, is amended as follows:

Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion during the time period of Tuesday, September 20, 2005, and Tuesday, February 28, 2006.

SECTION 5: Section 9 of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, is amended as follows:

This Order is effective upon signature and shall continue in effect until Tuesday, February 28, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

SECTION 6: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-56, issued on October 6, 2005, as amended by Executive Order No. KBB 2005-75, issued on October 25, 2005, shall remain in full force and effect.

SECTION 7: This Order is effective upon signature and shall continue in effect until Tuesday, February 28, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#091

### **EXECUTIVE ORDER KBB 05-90**

Suspension of Special Officer's Commission Bond  
Amends Executive Order No. KBB 05-29

WHEREAS, Executive Order No. KBB 2005-29, issued on September 3, 2005, suspended the requirement of a bond and proof thereof provided for in La. R.S. 40:1379.1, and the qualifications and requirements provided in LAC 55:1-1303(G) regarding a special officer's commission by the superintendent of state police;

WHEREAS, Executive Order No. KBB 2005-50, issued on September 25, 2005, extended these suspensions until October 25, 2005, and Executive Order No. KBB 2005-73, issued on October 25, 2005, extend the suspensions until November 24, 2005; and

WHEREAS, the superintendent of State Police has requested Executive Order No. KBB 2005-29, as amended by Executive Order Nos. KBB 2005-50 and KBB 2005-73, be extended;

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

SECTION 1: Section 4 of Executive Order No. KBB 2005-29, issued on September 3, 2005, as amended by Executive Order No. KBB 2005-50, issued on September 25, 2005, and Executive Order No. KBB 2005-73, issued on October 25, 2005, is amended as follows:

The suspension of the bond requirements by a person receiving a special officer's commission from the superintendent of State Police and LAC 55:1-1303(G) shall extend through Tuesday, February 28, 2006.

SECTION 2: All other sections of Executive Order No. KBB 2005-29 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until Tuesday, February 28, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of November, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#092

**EXECUTIVE ORDER KBB 05-91**

Emergency Suspension of Time Limits  
for Municipal Civil Service Employee  
Working Test Period For Firefighters

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation No. 48 KBB 2005, amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005, and Proclamation No. 53 KBB 2005, as amended by Proclamation No. 60 KBB 2005;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, the Municipal Fire and Police Civil Service System has been catastrophically impacted by Hurricanes Katrina and Rita, rendering the cancellation of certain working tests administered to probational firefighters and probational firefighters/operators;

WHEREAS, R.S. 29:724(D) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, the suspension of the working test time limit as set forth in R.S. 33:2495 will address the critical staffing needs of fire departments statewide;

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

SECTION 1: R.S. 33:2495 is hereby suspended to the extent that it limits the working test period for probational firefighters and probational firefighter/operators in the Municipal Fire and Police Civil Service System to no more than one year and only to the extent as outlined in Section 2 of this Order.

SECTION 2: A probational firefighter or a probational firefighter/operator whose probationary status lapsed during the period of September 1, 2005 through October 31, 2005, resulting in the failure to attain and maintain Emergency Medical Training certification due to the cancellation of the working test for the months of September and October, shall be allowed to continue the working test for Emergency Medical Training certification as a probational firefighter or probational firefighter/operator until March 1, 2006.

SECTION 3: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 4: This Order is effective upon signature and shall continue in effect until March 1, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of December, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#093

**EXECUTIVE ORDER KBB 05-92**

Bond Allocation—East Baton Rouge  
Mortgage Finance Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2005-12 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2005 (hereafter "the 2005 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2005 Ceiling; and

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

WHEREAS, the East Baton Rouge Mortgage Finance Authority has requested an allocation from the 2005 Ceiling to be used with a program of financing mortgage loans for single family, owner-occupied residences for low and moderate income families throughout the parish of East Baton Rouge, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2005 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$25,000,000	East Baton Rouge Mortgage Finance Authority	Single Family Revenue Bonds

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

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2005, provided that such bonds are delivered to the initial purchasers thereof on or before December 29, 2005.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of December, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#094

**EXECUTIVE ORDER KBB 05-93**

Bond Allocation—Industrial District No. 3  
of the Parish of West Baton Rouge, State of Louisiana

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2005-12 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume

limits for the calendar year of 2005 (hereafter "the 2005 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2005 Ceiling; and

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

WHEREAS, the Industrial District No. 3 of the parish of West Baton Rouge, state of Louisiana, has requested an allocation from the 2005 Ceiling to be used to finance the acquisition, construction and installation of certain water pollution control facilities at the chemical plant complex of the Dow Chemical Company located at the corner of Woodland Road and the east side of Louisiana Highway No. 1 Frontage Road, parish of West Baton Rouge, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the private activity bond volume limits for the calendar year of 2005 as follows.

Amount of Allocation	Name of Issuer	Name of Project
\$12,400,000	Industrial District no. 3 of the Parish of West Baton Rouge, State of Louisiana	Dow Chemical Company

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

SECTION 3: The granted allocation shall be valid and in full force and effect through December 31, 2005, provided that such bonds are delivered to the initial purchasers thereof on or before December 29, 2005.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of December, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#095

**EXECUTIVE ORDER KBB 05-94**

Emergency Suspension of Time Limits for Municipal  
Civil Service Employee Working Test Period for  
Firefighters—Amends Executive Order No. KBB 05-91

WHEREAS, Executive Order No. KBB 2005-91, issued on December 1, 2005, suspended the working test time limit as set forth in R.S. 33:2495 to address the critical staffing needs of fire departments statewide;

WHEREAS, it is necessary to modify the eligible time period relative to the probationary status of a firefighter or firefighter/operator;

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

SECTION 1: Section 2 of Executive Order No. KBB 2005-91, issued on December 1, 2005, is amended as follows:

A probational firefighter or a probational firefighter/operator whose probationary status lapsed during the period of September 1, 2005 through November 30, 2005, resulting in the failure to attain and maintain Emergency Medical Training certification due to the cancellation of the working test for the months of September and October, shall be allowed to continue the working test for Emergency Medical Training certification as a probational firefighter or probational firefighter/operator until March 1, 2006.

SECTION 2: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-91, issued on December 1, 2005, shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until Wednesday, March 1, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of December, 2005.

Kathleen Babineaux Blanco  
Governor

ATTEST BY  
THE GOVERNOR  
Al Ater  
Secretary of State  
0512#096

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of the Commissioner

#### Fluoroquinolones in Seafood (LAC 7:XXXV.147)

The Commissioner of Agriculture and Forestry hereby adopts the following Emergency Rule governing the testing and sale of seafood in Louisiana. This Rule is being adopted in accordance with R.S. 3:2(A), 3:3(B), R.S. 3:4608 and the Emergency Rule provisions of R.S. 49:953(B) of the Administrative Procedure Act.

The commissioner has promulgated these rules and regulations to implement standards relating to Fluoroquinolones in seafood that are consistent with standards adopted by the United States Food and Drug Administration, (FDA), regarding Fluoroquinolones in foods. All seafood sold in Louisiana must meet the standards set out in these regulations prior to distribution and sale of seafood in Louisiana.

Fluoroquinolones is a broad-spectrum antibiotic that has been restricted by the FDA for use in humans only. The FDA banned the extra label use of Fluoroquinolones in food producing animals in 1997 after determining that such use presented a risk to the public health. That ban is still in effect, see (21 CFR 530.41). "Extralabel use" means "actual use or intended use of a drug in an animal in a manner that is not in accordance with the approved labeling," see 21 CFR 530.3(a).

Since, the FDA has not established a safe level, tolerance level or safe concentration for Fluoroquinolones there is a zero tolerance level for Fluoroquinolones. Therefore, foods in which Fluoroquinolones are found are adulterated foods under the United States and Louisiana Food, Drug, and Cosmetics Acts.

Fluoroquinolones have been known to cause hypersensitivity or allergic reactions, toxicity-related reactions, and to an increased prevalence of infections due to antibiotic-resistant microorganisms. Hypersensitivity reactions can include life-threatening anaphylaxis, as well as urticaria, dermatitis, vomiting, and diarrhea. There is a significant chance that these reactions may be attributed to other factors, thereby causing a misdiagnosis, and subsequent mistreatment of a person's medical condition.

Toxicity can affect multiple organ systems and include peripheral neuropathies, seizures, phototoxicity, tendon rupture, fatal drug interactions and arthropathies in children. Fluoroquinolones should not be taken by pregnant and lactating women due to concern over the potential effect on a developing fetus.

The sale in Louisiana of seafood adulterated with Fluoroquinolones will expose Louisiana's citizens, including unborn children and nursing infants, to Fluoroquinolones and to the potential risks cited above, thereby presenting an imminent peril to the public's health, safety and welfare.

The Commissioner of Agriculture and Forestry has, therefore, determined that this Emergency Rule is necessary to immediately implement testing of seafood for Fluoroquinolones, to provide for the sale of seafood and any products containing seafood that are not contaminated with Fluoroquinolones. This Rule becomes effective upon signature, December 8, 2005, and will remain in effect 120 days, unless renewed by the commissioner or until permanent rules are promulgated.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXXV. Agro-Consumer Services

#### Chapter 1. Weights and Measures

#### §147. Fluoroquinolones in Seafood

#### Prohibited—Testing and Sale

##### A. Definitions

*Food Producing Animals*—both animals that are produced or used for food and animals that produce material used as food.

*Geographic Area*—a country, province, state, or territory or definable geographic region.

*Seafood*—any edible freshwater or saltwater fish or shellfish, whether whole, portioned, processed and any product containing Seafood.

B. No seafood may be held, offered or exposed for sale, or sold in Louisiana if such seafood contains Fluoroquinolones.

C. No seafood that is harvested from or produced, processed or packed in a geographic area, that the commissioner declares to be a location where Fluoroquinolones is being used on or found in food producing animals or in products from such animals, may be held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection E. No seafood from any such geographic area may be used, as an ingredient in any food held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection E.

D. The commissioner may declare a geographic area to be a location where Fluoroquinolones is being used on or found in food producing animals or in products from such animals, based upon information that would lead a reasonable person to believe that Fluoroquinolones is being used on or found in food producing animals, or in products from such animals, in that geographic area.

1. Any such declaration shall be subject to promulgation in accordance with the provisions of the Administrative Procedure Act.

2. The commissioner may release any such geographic area from a previous declaration that Fluoroquinolones is being used on food producing animals in that location. Any such release shall be subject to promulgation in accordance with the Administrative Procedure Act.

E. Seafood that comes from a geographic area declared by the commissioner to be a location where Fluoroquinolones is being used on, or is found in food

producing animals or in products from such animals, must meet the following requirements for sampling, identification, sample preparation, testing and analysis before being held, offered or exposed for sale, or sold in Louisiana.

1. Each sample shall consist of a case per lot of seafood.

2. Each sample shall be identified as follows:

- a. any package label;
- b. any lot or batch numbers;
- c. the country, province and city of origin;
- d. the name and address of the importing company;
- e. unique sample number identifying the group or batch sample and subsample extension number for each subsample.

3. Sample Preparation

a. The laboratory shall randomly select 12 filets of fish from the case, remove any skin, and cut each filet in half. Use half of the sample for the original analysis portion and retain the other half of the sample in a freezer as a reserve. Thoroughly blend the halves of the filets to be tested.

b. For all other seafood take samples from 12 randomly selected areas of each case in an amount to equal approximately 1 pound. Remove any skin or shell and thoroughly blend the meat. After the sample is blended, split the sample in half, setting aside one-half for testing and reserving the other half in a freezer.

4. Sample Analysis

a. Remove for testing, approximately 2 grams from the portion of the sample being tested.

b. The sample is initially tested using liquid chromatography with florescent detection. Samples that test positive are to be retested for confirmation of the initial test result using liquid chromatography with electrospray mass spectroscopy.

c. The initial test shall conform to the test method authored by Roybal et al in the Journal of AOAC International, Volume 85, Number 6, 2002, page 1293, or current FDA methods. The confirmation testing shall conform to FDA LIB 4108 or current FDA methods.

d. Other methods for sampling, identification, sample preparation, testing and analysis may be used if expressly approved in writing by the commissioner.

5. Any qualified laboratory may perform the testing and analysis of the samples unless the laboratory is located in any geographic area that the commissioner has declared to be a location where Fluoroquinolones is being used on or found in food producing animals, or in products from such animals. The commissioner shall resolve any questions about whether a laboratory is qualified to perform the testing and analysis.

6. The laboratory that tests and analyzes a sample or samples for Fluoroquinolones shall certify the test results in writing.

7. A copy of the certified test results along with the written documentation necessary to show the methodology used for the sampling, identification, sample preparation, testing and analysis of each sample shall be sent to and actually received by the department prior to the seafood being held for sale, offered or exposed for sale, or sold in Louisiana.

a. The test results and accompanying documentation must contain a test reference number.

b. The certified test results and the accompanying documentation must be in English and contain the name and address of the laboratory and the name and address of a person who may be contacted at the laboratory regarding the testing of the seafood.

8. Upon actual receipt by the department of a copy of the certified test results and written documentation required to accompany the certified test results then the seafood may be held, offered or exposed for sale, or sold in Louisiana, unless a written stop-sale, hold or removal order is issued by the commissioner.

9. A copy of the test results, including the test reference number, shall either accompany every shipment and be attached to the documentation submitted with every shipment of such seafood sent to each location in Louisiana or shall be immediately accessible to the department, upon request, from any such location.

F. Any person who is seeking to bring seafood that is required to be sampled and tested under this Section, into Louisiana, or who holds, offers or exposes for sale, or sells such seafood in Louisiana shall be responsible for having such seafood sampled and tested in accordance with Subsection E. Any such person must, at all times, be in full and complete compliance with all the provisions of this Section.

G. The commissioner may reject the test results for any seafood if the commissioner determines that the methodology used in sampling, identifying, sample preparation, testing or analyzing any sample is scientifically deficient so as to render the certified test results unreliable, or if such methodology was not utilized in accordance with, or does not otherwise meet the requirements of this Section.

H. In the event that any certified test results are rejected by the commissioner then any person shipping or holding the seafood will be notified immediately of such rejection and issued a stop-sale, hold or removal order by the commissioner. Thereafter, it will be the duty of any such person to abide by such order until the commissioner lifts the order in writing. Any such person may have the seafood retested in accordance with this Section and apply for a lifting of the commissioner's order upon a showing that the provisions of this Section have been complied with and that the seafood are certified as being free of Fluoroquinolones.

I. The department may inspect, and take samples for testing, any seafood, of whatever origin, being held, offered or exposed for sale, or sold in Louisiana.

J. A stop-sale, hold or removal order, including a prohibition on disposal, may be placed on any seafood that does not meet the requirements of this Section. Any such order shall remain in place until lifted in writing by the commissioner.

K. The department may take physical possession and control of any seafood that violate the requirements of this Section if the commissioner finds that the seafood presents an imminent peril to the public health, safety and welfare and that issuance of a stop-sale, hold or removal order will not adequately protect the public health, safety and welfare.

L. The commissioner declares that he has information that would lead a reasonable person to believe that

Fluoroquinolones is being used on or found in food producing animals or in products from such animals, in the following geographic area(s):

1. the geographic area or areas are:
  - a. the country of Vietnam;
2. all seafood harvested from or produced, processed or packed in any of the above listed geographic areas is hereby declared to be subject to all the provisions of this Section, including sampling and testing provisions.

M. All records and information regarding the distribution, purchase and sale of seafood or any food containing seafood from the listed geographic areas shall be maintained for two years and shall be open to inspection by the department.

N. Penalties for any violation of this Section shall be the same as assessed in accordance with R. S. 3:4624.

O. The effective date of this Section is August 12, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:

Bob Odom  
Commissioner

0512#068

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of Business Development

#### Small Business Bonding Assistance (LAC 19:II.911)

The Department of Economic Development, Office of Business Development, pursuant to the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), adopts the following changes to the Rules of the Small and Emerging Business Development Program, Small Business Bonding Assistance in order to amend LAC 19:II., Chapter 9, §911. The Department of Economic Development has found an immediate need to amend the existing rules to maintain consistency with changes made in the guarantee agreement.

This Emergency Rule is effective on November 18, 2005, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information you may call the Small and Emerging Business Development Program at (225) 342-4320.

#### Title 19

### CORPORATIONS AND BUSINESS

#### Part II. Small and Emerging Business

#### Development Program

#### Chapter 9. Small Business Bonding Program

#### §911. Guarantee

A. Amount of Guarantee. Providing collateral in the form of an irrevocable letter of credit to the surety may be posted on an individual project basis, for one or more projects at any one time, at the discretion of the Department of Economic Development.

B. Surety Bond Guarantee Agreement

1. Terms and Conditions

a. The guarantee agreement is made exclusively for the benefit of BAP and the surety; it does not confer any rights or benefits on any other party including any right of action against BAP by any person claiming under the bond. When problems occur on a contract substantive enough to involve the surety, the surety is authorized to take actions it deems necessary. Regardless of the extent or outcome of surety's involvement, the surety's services, including legal fees and other expenses, will be chargeable to the contractor unless otherwise settled.

b. Any agreement by BAP to guarantee a surety bond issued by a surety company shall contain the following terms and conditions:

i. the surety represents that the bond or bonds being issued are appropriate to the contract requiring them;

ii. the surety represents that the terms and conditions of the bond or bonds executed are in accordance with those generally used by the surety for the type of bond or bonds involved;

iii. the surety affirms that without the BAP guarantee to surety, it will not issue the bond or bonds to the principal;

iv. the surety shall take all steps surety, at its discretion and in accordance with its standard practices, deems appropriate, cost effective and necessary to mitigate any loss resulting from principal's default;

v. the surety shall inform BAP of any suit or claim filed against it on any guaranteed bond within 30 days of surety's receipt of notice thereof. Unless BAP decides otherwise, and so notifies surety within 30 days of BAP's receipt of surety's notice, surety shall take charge of the suit for claim and compromise, settle or defend such suit or claim until so notified. BAP shall be bound by the surety's actions in such matters;

vi. the surety shall not join BAP as a third party in any lawsuit to which surety is a party unless surety alleges that BAP has caused the loss, BAP has denied liability in writing, or BAP has consented to such joinder.

c. When contractor successfully completes bonded job a status inquiry report is signed by appropriate parties and is forwarded to surety's collateral department. Surety shall release standby letter of credit within 90 days of recordation of acceptance date shown on status inquiry report.

d. Variances. The terms and conditions of BAP's guarantee commitment or actual bond guarantee may vary from surety to surety and contract to contract depending on BAP's experiences with a particular surety and other relevant factors. In determining whether BAP's experience with a surety warrants terms and conditions which may be at variance with terms and conditions applicable to another surety, BAP will consider, among other things, the adequacy of the surety's underwriting; the adequacy of the surety's substantiation and documentation of its claims practice; the surety's loss ratio and its efforts to minimize loss on BAP guaranteed bonds; and other factors. Any surety which deems itself adversely affected by the director's exercise of the foregoing authority may file an appeal with the Secretary of the Department of Economic Development. The secretary will render the final decision.

2. Reinsurance Agreement. In all guarantee situations, BAP agrees to reimburse the participating surety up to the agreed-upon percentage of any and all losses incurred by virtue of default on a particular contract. The participating surety agrees to handle all claims, with recoveries being shared on a pro rata basis with BAP. This includes reinsurance agreements between the surety and any other licensed surety or reinsurance company. In other words, no indemnity agreement can be made to inure solely to the benefit of the surety to recover its exposure on any bond guarantee by BAP without BAP participating in its pro rata share.

3. Default

a. Notice of Default. Surety shall notify BAP if it becomes aware of any circumstances which may cause the contractor to fail to timely complete the project in accordance with the provisions of the contract. Where BAP receives information from other sources indicating a contractor is in potential violation of his contract, the information is to be relayed to the surety for its information and appropriate action.

b. Default Claims, Indemnity Pursuit, and Settlement

i. The sole authority and responsibility in BAP for handling claims arising from a contractor's default on a surety bond guaranteed by the BAP shall remain with the director and undersecretary relative to BAP's guarantee. The director and undersecretary will process and negotiate all claim matters with surety company representatives.

ii. In those situations where BAP's share is \$500 or less, the surety shall notify the contractor, by letter, of its outstanding debt with no further active pursuit undertaken by the surety for which BAP would be requested to reimburse.

iii. In those situations where BAP's share is over \$500 through \$2,500, the surety shall promptly develop financial background information on the debtor contractor. These findings will determine whether it is economically justified to further pursue indemnity recovery or to close the file.

iv. In those situations where BAP's share is over \$2,500, the surety shall pursue recovery through its normal method, assessing and comparing the estimated cost of recovery efforts with the probable monetary gain from the effort.

v. The surety shall advise BAP of attempts made to contact indemnitor or to attach other assets, and the outcome of these attempts. The surety shall insure that BAP is credited with its respective apportionment of all recovery within 90 days of the recovery.

vi. At the culmination of subrogation and indemnity recovery efforts, the surety shall notify the obligor of the total amount outstanding. A copy of the notice sent to the contractor shall be promptly forwarded to the BAP. After recovery efforts have been exhausted, the surety and BAP will make final reconciliation on the defaulted case, and close the file on that particular contractor's project. Prior to closing the file, surety shall conduct a recapitulation of the account to assure that BAP has been correctly credited with all funds recovered from any and all sources.

vii. Under the terms and conditions of the surety bond guarantee agreement, the authority to act upon proposed settlement offers in connection with defaulted surety bonds lies with the surety, not with the BAP. A settlement occurs when a defaulted contractor and its surety agree upon a total amount and/or conditions which will satisfy the contractor's indebtedness to the surety, and which will result in closing the loss file. The surety must pay BAP its pro rata share of such settlement within 10 business days of receipt of same.

4. Reinstatement. A contractor's contractual relationship is with the surety company. Therefore, all matters pertaining to reinstatement must be arranged with and through the surety. BAP's contractual relationship is with the surety company only. Because of these relationships, BAP will neither negotiate nor discuss with a contractor amounts owed the surety by the contractor, or settlement thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 24:432 (March 1998), amended by the Department of Economic Development, Office of Business Development, LR 29:549 (April 2003), LR 30:760 (April 2004), LR 32:

Michael J. Olivier  
Secretary

0512#041

**DECLARATION OF EMERGENCY**  
**Student Financial Assistance Commission**  
**Office of Student Financial Assistance**

Scholarship/Grant Programs—Natural Disasters, Deferments  
(LAC 28:IV.301, 703, 705, 803, and 805)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)).

The Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families resulting in students being unable to attend college and thereby depriving these students of a postsecondary education and weakening the state's workforce. LASFAC has determined that this Emergency Rule is necessary to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective December 6, 2005, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG0669E)

**Title 28**  
**EDUCATION**

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

**Chapter 3. Definitions**

**§301. Definitions**

\* \* \*

*Qualified Summer Session*—those summer sessions (includes terms and semesters conducted during the summer) for which the student's institution certifies that:

a. the summer session is required in the student's degree program for graduation and the student enrolled for at least the minimum number of hours required for the degree program for the session; or

b. the student can complete his program's graduation requirements in the summer session; or

c. the course(s) taken during the summer session is required for graduation in the program in which the student is enrolled and is only offered during the summer session; or

d. the course(s) taken during the summer session is in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; or

e. for the summer of 2006 only, the student is a Displaced Student as identified in §2103.G.1 of these rules, whose TOPS award was not paid for one or more semesters during the 2005-2006 Academic Year.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), repromulgated LR 27:1842 (November 2001), amended LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015, (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 32:

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

**§703. Establishing Eligibility**

A. - I.8. ...

J. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the twelfth grade level during the 2005-2006 Academic Year (high school) must meet all of the requirements of §703.A -I(8) above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006 school year from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a

student who graduates from an eligible Louisiana high school provided such student has, for an Opportunity Award, a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale or, for a Performance or Honors award, a cumulative high school grade point average on all courses on the high school transcript of at least 3.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire eleventh grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.J.2.a(3) below for at least the 12 months prior to August 26, 2005, or in a parish listed in §703.J.2.b(3) below for at least the 12 months prior to September 20, 2005.

iii. A dependent student graduated from an eligible out-of-state high school and his parent or court-ordered custodian was displaced as a resident from a parish listed in §703.J.2.a.ii below due to Hurricane Katrina and such parent or court-ordered custodian actually resided in Louisiana for at least the twelve months prior to August 26, 2005.

iv. A dependent student graduated from an eligible out-of-state high school and his parent or court-ordered custodian was displaced as a resident from a parish listed in §703.J.2.b.ii below due to Hurricane Rita and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to September 20, 2005.

d. A Displaced Student who during the 2005-2006 Academic Year (high school) successfully completes at the twelfth grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the eleventh grade level of an approved home study course.

2. For the purposes of this subsection, *Displaced Student* means:

a. A student who on August 26, 2005:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3, located in; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education and actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish.

b. A student who on September 20, 2005:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3, located in; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education and actually residing in Acadia, Allen,

Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602, 1998 (August 2000), LR 26:1996, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), LR 27:1850 (November 2001), LR 28:772 (April 2002), LR 28:1760 (August 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:1419 (August 2003), LR 29:1419 (August 2003), LR 29:1773 (September 2003), LR 29:2265 (November 2003), LR 30:2019 (September 2004), LR 31:3112 (December 2005), LR 32:

### §705. Maintaining Eligibility

A. - D. ...

E. Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A-D above, except as follows.

a. The TOPS award of a displaced student who enrolls for the first-time as a full time student in an eligible out-of-state college or university during the 2005-2006 Academic Year (college) and subsequently enrolls at a Louisiana eligible college or university shall not be reduced due enrollment in an eligible out-of-state institution during the 2005-2006 Academic Year (college).

b. The TOPS award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 Academic Year (college) shall not be cancelled due to such out-of-state enrollment.

c. The TOPS award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 Academic Year (college) shall not be reduced for those semesters or terms such displaced student was enrolled in an eligible out-of-state institution during the 2005-2006 Academic Year (college).

d. The period of suspension of a TOPS award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2005-2006 Academic Year (college).

2. For the purposes of this Subsection, *Displaced Student* means:

a. a student who on August 26, 2005:

i. was enrolled in one of the following institutions:

(a). Delgado Community College;

(b). Dillard University;

(c). Louisiana State University Health Sciences Center at New Orleans;

(e). Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses;

(f). Loyola University;

(g). New Orleans Baptist Theological Seminary;

(h). Nunez Community College;

(i). Our Lady of Holy Cross College;

(j). St. Joseph Seminary College;

(k). Southern University at New Orleans;

(l). Tulane University;

(m). University of New Orleans;

(n). Xavier University; or

ii. had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish; or

b. a student who on September 20, 2005:

i. was enrolled in one of the following institutions:

(a). McNeese State University; or

(b). SOWELA Technical Community College; or

ii. had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

3. For the purposes of this Subsection, *Home of Record* for a dependent student shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26, 1996, 2001 (September 2000), LR 27:1853 (November 2001), LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 32:

### Chapter 8. TOPS-TECH Award

#### §803. Establishing Eligibility

A. - A.10. ...

B. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the twelfth grade level during the 2005-2006 Academic Year (high school) must meet all of the requirements of §803.A. above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006 school year from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a student who graduates from an eligible Louisiana high school provided such student has a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student

based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire eleventh grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.B.2.a.ii below for at least the 12 months prior to August 26, 2005, or in a parish listed in §803.B.2.b.ii below for at least the 12 months prior to September 20, 2005;

iii. a dependent student graduated from an eligible out-of-state high school and his parent or court-ordered custodian was displaced as a resident from a parish listed in §803.B.2.a.ii due to Hurricane Katrina and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2005;

iv. a dependent student graduated from an eligible out-of-state high school and his parent or court-ordered custodian was displaced as a resident from a parish listed in §803.B.2.b.ii due to Hurricane Rita and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to September 20, 2005.

d. A *displaced student* who during the 2005-2006 Academic Year (high school) successfully completes at the twelfth grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the eleventh grade level of an approved home study course.

2. For the purposes of this Subsection, *Displaced Student* means:

a. a student who on August 26, 2005:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3, located in; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education and actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish;

b. a student who on September 20, 2005:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3, located in; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education and actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

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

2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 29:1419 (August 2003), LR 29:2265 (November 2003), LR 30:2019 (September 2004), LR 31:3114 (December 2005), LR 32:

## §805. Maintaining Eligibility

A. - C. ...

D. Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A.-C. above, except as follows.

a. The TOPS Tech Award of a displaced student who has been enrolled in a Louisiana eligible college or University and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 Program Year (non-academic program) shall not be cancelled due to such out-of-state enrollment.

b. The TOPS Tech Award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 Program Year (non-academic program) shall not be reduced for those semesters or terms such displaced student was enrolled in an eligible out-of-state institution during the 2005-2006 Program Year (Non-academic Program).

c. The period of suspension of a TOPS Tech Award for a *displaced student* due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or other term in which the student does not enroll on a full-time basis in an eligible college or university during the 2005-2006 Program Year (non-academic program).

d. A TOPS Tech Award may be used by a Displaced Student during the 2005-2006 Academic Year (college) to enroll on a full-time basis in an academic program at a Louisiana eligible college or university to take courses that contribute to the pursuit of a skill or occupation. In such case, the award amount shall be at the same as the opportunity award for that institution.

2. For the purposes of this subsection, *Displaced Student* means:

a. a student who on August 26, 2005:

i. was enrolled in one of the following institutions:

(a). Delgado Community College;

(b). Dillard University;

(c). Louisiana State University Health Sciences Center at New Orleans;

(d). Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses;

(e). Loyola University;

(f). New Orleans Baptist Theological Seminary;

(g). Nunez Community College;

(h). Our Lady of Holy Cross College;

(i). St. Joseph Seminary College;

(j). Southern University at New Orleans;

(k). Tulane University;

(l). University of New Orleans;

(m). Xavier University; or

- ii. had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish; or
  - b. a student who on September 20, 2005:
    - i. was enrolled in one of the following institutions:
      - (a). McNeese State University; or
      - (b). Sowela Technical Community College; or
    - ii. had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record* for a dependent student shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), LR 27:1856 (November 2001), LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 32:

George Badge Eldredge  
General Counsel

0512#060

## DECLARATION OF EMERGENCY

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### Remediation of Sites with Contaminated Media (LAC 33:V.109)(HW084E7)

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

This is a renewal of Emergency Rule HW084E6, which was effective July 30, 2005, and published in the *Louisiana Register* on August 20, 2005. The department has proposed a Rule to promulgate these regulation changes.

Current regulation causes contaminated environmental media to retain the description of having RCRA-listed waste "contained-in," therefore slowing the remediation of the site or possibly halting it completely due to administration and disposal issues. This Rule will remove a regulatory hurdle that deters site remediation. The incentive to remediate pollution stems from the resulting substantially reduced disposal and transportation costs for contaminated environmental media that are not required to be managed in the same manner as hazardous waste. Language has been added to further define the management of contaminated media as nonhazardous. The Rule will also result in

simplification of the waste handling process by reducing administrative requirements and providing greater consistency with non-RCRA waste handling requirements and practices. This will provide strong motivation to initiate and accelerate voluntary remediation of contaminated sites without increasing risks to human health or the environment. Any person claiming this exclusion shall have records supporting the exclusion.

This Emergency Rule is effective on November 27, 2005, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning HW084E7 you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

### Title 33

## ENVIRONMENTAL QUALITY

### Part V. Hazardous Waste and Hazardous Materials

#### Subpart 1. Department of Environmental Quality—Hazardous Waste

#### Chapter 1. General Provisions and Definitions

#### §109. Definitions

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

\* \* \*

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

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

d. it consists of environmental media (soil, sediments, surface water, or groundwater) that contain one or more hazardous wastes listed in LAC 33:V.4901 (unless excluded by one of the exclusions contained in this definition) or that exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. Environmental media no longer contain a hazardous waste when concentrations of the hazardous constituents that serve as the basis for the hazardous waste being listed (as shown in LAC 33:V.4901.Table 6, Table of Constituents that Serve as a Basis for Listing Hazardous Waste, or if constituents are not listed in Table 6 refer to LAC 33:V.2299 for appropriate constituents, or if not listed in either of these locations shall be determined by the department on a case-by-case basis) remaining in the media are below applicable RECAP Screening Standards (LAC 33:I.Chapter 13) and the media no longer exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. Land disposal treatment standards (LAC 33:V.2299) apply prior to placing such environmental media into a land disposal unit even though the media may no longer contain a hazardous waste. Any person claiming this exclusion shall have records supporting the exclusion.

e. Rebuttable Presumption for Used Oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with

halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by using an analytical method from LAC 33:V.Chapter 49.Appendix A to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1).

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

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

3. - 6.b. ...

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 32:

Mike D. McDaniel, Ph.D.  
Secretary

0512#020

## DECLARATION OF EMERGENCY

**Office of the Governor  
Division of Administration  
Racing Commission**

Claiming Rule (LAC 35:XI.9913)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act,

*Louisiana Register* Vol. 31, No. 12 December 20, 2005

R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., amends the following Emergency Rule effective May 25, 2005, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to amend this Rule to provide for consequences of positive tests for equine infectious anemia and/or the presence of erythropoietin and/or darbepoietin antibodies in race horses being claimed.

### Title 35

### HORSE RACING

#### Part XI. Claiming Rules and Engagements

#### Chapter 99. Claiming Rule

#### §9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after.

B. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin antibodies.

1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.

2. Should the test for recombinant erythropoietin and/or darbepoietin antibodies prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.

C. Additionally, if such erythropoietin and/or darbepoietin antibody positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.

D. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.

E. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.

1. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

2. Blood samples drawn to detect by immunoassay the antibody to recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.

F. Notwithstanding any inconsistent provision of this Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that the antibody of erythropoietin and/or darbepoietin was present in the sample taken from that horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:285 (August 1978), amended LR 5:136 (June 1979), amended by the Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 32:

Charles A. Gardiner III  
Executive Director

0512#025

## DECLARATION OF EMERGENCY

### Office of the Governor Division of Administration Racing Commission

Claiming Rule (LAC 35:XI.9913)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., amends the following Emergency Rule effective September 22, 2005, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to amend this Rule to provide for consequences of positive tests for equine infectious anemia and/or the presence of erythropoietin and/or darbepoietin antibodies in race horses being claimed.

### Title 35 HORSE RACING

#### Part XI. Claiming Rules and Engagements

#### Chapter 99. Claiming Rule

#### §9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after.

B. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin antibodies.

1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.

2. Should the test for recombinant erythropoietin and/or darbepoietin antibodies prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.

C. Additionally, if such erythropoietin and/or darbepoietin antibody positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have

48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.

D. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.

E. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.

1. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

2. Blood samples drawn to detect by immunoassay the antibody to recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.

F. Notwithstanding any inconsistent provision of this Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that the antibody of erythropoietin and/or darbepoietin was present in the sample taken from that horse

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:285 (August 1978), amended LR 5:136 (June 1979), amended by the Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 32:

Charles A. Gardiner III  
Executive Director

0512#026

## DECLARATION OF EMERGENCY

### Office of the Governor Division of Administration Racing Commission

Recombinant Erythropoietin and/or Darbepoietin Antibodies  
(LAC 35:I.1716)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following Emergency Rule effective May 25, 2005, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to adopt this Rule to prohibit the use and presence of human recombinant erythropoietin and/or darbepoietin in race horses.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1716. Human Recombinant Erythropoietin and/or Darbepoietin**

A. The possession and/or use of human recombinant erythropoietin and/or darbepoietin is strictly prohibited, and shall be classified as an RCI category I substance. Every horse eligible to race in Louisiana is subject to random testing for these and other substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 32:

Charles A. Gardiner III  
Executive Director

0512#021

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Racing Commission**

Recombinant Erythropoietin and/or Darbepoietin Antibodies  
(LAC 35:I.1716)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following Emergency Rule effective September 22, 2005, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to adopt this Rule to prohibit the use and presence of human recombinant erythropoietin and/or darbepoietin in race horses.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1716. Human Recombinant Erythropoietin and/or Darbepoietin**

A. The possession and/or use of human recombinant erythropoietin and/or darbepoietin is strictly prohibited, and shall be classified as an RCI category I substance. Every horse eligible to race in Louisiana is subject to random testing for these and other substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 32:

Charles A. Gardiner III  
Executive Director

0512#022

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Racing Commission**

Total Dissolved Carbon Dioxide Testing (LAC 35:I.1720)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., amends the following Emergency Rule effective May 25, 2005, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to amend this Rule to lower the post-race allowable levels of, and provide for pre-race testing of TCO<sub>2</sub> (total dissolved carbon dioxide), which is consistent with other racing jurisdictions.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1720. Total Dissolved Carbon Dioxide Testing**

A. - B1. ...

2. Blood samples for TCO<sub>2</sub> may be drawn prior to or after the race. Samples drawn after the race shall not be drawn earlier than 90 minutes following official post time. Samples drawn pre-race shall be drawn prior to the official post time.

3. The pre- or post-race TCO<sub>2</sub> level in the blood shall not exceed 36.0 milliequivalents per liter (mEq/L).

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 32:

Charles A. Gardiner III  
Executive Director

0512#023

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Racing Commission**

Total Dissolved Carbon Dioxide Testing (LAC 35:I.1720)

Editor's Note: This Emergency Rule was received at the Office of the State Register on November 11, 2005.

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., amends the following Emergency Rule effective September 22, 2005, and it shall remain in effect

for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first. The Louisiana State Racing Commission finds it necessary to amend this Rule to lower the post-race allowable levels of, and provide for pre-race testing of TCO<sub>2</sub> (total dissolved carbon dioxide), which is consistent with other racing jurisdictions.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1720. Total Dissolved Carbon Dioxide Testing**

A. - B1. ...

2. Blood samples for TCO<sub>2</sub> may be drawn prior to or after the race. Samples drawn after the race shall not be drawn earlier than 90 minutes following official post time. Samples drawn pre-race shall be drawn prior to the official post time.

3. The pre- or post-race TCO<sub>2</sub> level in the blood shall not exceed 36.0 milliequivalents per liter (mEq/L).

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 32:

Charles A. Gardiner III  
Executive Director

0512#024

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Board of Pharmacy**

**Pharmacy Interns—Practical Experience (LAC 46:LIII.705)**

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to amend the referenced rule. The Emergency Rule is necessary to allow the Board of Pharmacy to amend the Rule by removing the restrictions on the nature of the practical experience earned by pharmacy interns within the professional experience curriculum in a board approved college of pharmacy. While the amendment will also benefit board approved colleges of pharmacy in this state with increased flexibility in curricular design, the primary beneficiaries of this amendment will be those pharmacy interns in this state who were displaced into academic programs in other states, as well as graduates from colleges of pharmacy in other states applying for admission to pharmacy residency programs (all of which require pharmacist licensure) in this state. Many states do not have the restrictions on professional experience requirements imposed by the current Rule.

One of the consequences of Hurricanes Katrina and Rita is the damage to the pharmacy educational community, including displacement of pharmacy interns and faculty and loss of professional experience training sites. Pharmacy students displaced to other states for the balance of the academic year may have been placed into academic programs without such restrictions, and they would be

disadvantaged on their return to this state for licensure qualification. Further, the colleges of pharmacy in this state have indicated an urgent need for pharmacy residents to supplement their pharmacy faculty and professional experience programs.

A delay in promulgating the Rule will prevent the timely licensure of pharmacy interns from this state who were displaced to other states. Further, those graduates from other states who are searching for pharmacy residency programs may be precluded from accepting positions in this state, due to their inability to achieve pharmacist licensure in a timely manner. Both of these undesirable outcomes will only aggravate a pre-existing shortage of pharmacists in this state. Thus, the board has determined that this Emergency Rule is necessary to prevent imminent peril to the public health, safety, and welfare. The declaration of emergency is effective December 1, 2005, and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever shall first occur.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**§705. Practical Experience**

A. - C.1.a. ...

b. The intern shall earn a minimum credit of 1,000 hours within the board approved college of pharmacy's professional experience curriculum as certified by the dean of the college of pharmacy.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 26:2285 (October 2000), amended LR 29:2086 (October 2003), effective January 1, 2004., LR 32:

Malcolm J. Broussard  
Executive Director

0512#038

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

**Veterinary Practice (LAC 46:LXXXV.700 and 711)**

The Louisiana Board of Veterinary Medicine amends LAC 46:LXXXV.700 and 711 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1569. This text is amended to clarify and implement the regulatory requirements of a licensed veterinarian conducting a wellness or preventative care clinic in keeping with its function as defined by the state legislature in the Veterinary Practice Act. The Rule will clarify and implement requirements for a veterinarian licensed by the board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. The amendment to the rules is set

forth below. This Rule is currently in effect as an Emergency Rule readopted on December 1, 2005 for the next 120 days from this date or until adoption of the final Rule, whichever occurs first.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LXXXV. Veterinarians**

**Chapter 7. Veterinary Practice**

**§700. Definitions**

\* \* \*

*Wellness or Preventative Care Clinic*—a service in which a veterinarian licensed by the board administers vaccine, performs examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. A program for the administration of rabies vaccination conducted at a location solely for the specific purpose of rabies prevention shall not be considered a wellness or preventative care clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:660 (June 1994), LR 20:1381 (December 1994), LR 24:940, 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 32:

**§711. Definitions and Classification of Practice**

**Facilities**

A. - D.2. ...

E. A wellness or preventative care clinic shall have a published physical address for the specific location, telephone facilities for responding to emergency situations, and the following.

1. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, if these services are not available at the wellness or preventative care clinic.

2. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide emergency care services. A notice of available emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, shall be posted in a conspicuous place at the wellness or preventative care clinic, and a copy of the notice or information shall be given to each client prior to the administration of a vaccine, the performance of an examination and/or a diagnostic procedure to promote good health.

3. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

4. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the

medical records for the patients as set forth in the board's rules on record keeping. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be the owner of the medical records of the patients.

5. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for consultation with clients and the prompt referral of patients when disease, illness or a medical condition is diagnosed.

6. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for the information and representations provided to the clients by the staff at the wellness or preventative care clinic.

7. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place at each location of a wellness or preventative care clinic.

8. Operation of a wellness or preventative care clinic shall also have the following on site at each location:

- a. a clean, safe location;
- b. meet local and state sanitation requirements;
- c. lined waste receptacles;
- d. fresh, running water for cleaning purposes and first aid;
- e. an examination area with good lighting and smooth, easily disinfected surfaces;
- f. all drugs, medicines, or chemicals shall be stored, inventoried, prescribed, administered, dispensed, and/or used in accordance with federal, state and local laws and rules;
- g. all equipment shall be kept clean and in proper working order;
- h. the ability to address sudden life-threatening emergencies which may arise, including the availability, on site, of oxygen, resuscitation drugs, treatment for shock, and fluid administration materials; and
- i. the proper disposal of biomedical waste and the required facilities, on site, for such disposal, as well as documentation on site to verify the proper disposal of biomedical waste.

9. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

10. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide a copy of any signed written agreement, including renewal, extension or amendment, required by this rule to the board prior to commencement of the terms of the agreement.

12. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 32:

Wendy D. Parrish  
Administrative Director

0512#063

## DECLARATION OF EMERGENCY

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

#### Adult Dentures Reimbursement Reduction (LAC 50:XXV.701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XXV.701 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage for denture and denture repair services rendered to recipients who are age 21 years and older. The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16.

Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement fees paid for dentures and denture repair services rendered to recipients who are age 21 years and older. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$165,019 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement fees for denture services provided to recipients who are age 21 years and older.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXV. Adult Dentures

#### Chapter 7. Reimbursement

#### §701. Fees

A. Fees for these services shall be reimbursed as established in the Adult Denture Program fee schedule. Effective for dates of service on or after January 1, 2006, the fee amounts on file as of December 31, 2005 shall be reduced by 10 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended LR 32:

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

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

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

0512#112

## DECLARATION OF EMERGENCY

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

#### Durable Medical Equipment Reimbursement Reduction (LAC 50:XVII.133)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XVII.133 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005

First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement in the Durable Medical Equipment Program for medical equipment and supplies. Reimbursement for these services is either the lesser of billed charges or 70 percent of either the Medicare fee schedule or the manufacturer's suggested retail price (MSRP), or the lowest cost at which the item has been determined to be widely available.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the Department proposes to reduce the reimbursement rates paid for certain designated medical equipment and supplies. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this emergency rule will reduce expenditures in the Medicaid Program by approximately \$715,794 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the Department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement for durable medical equipment and supplies.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

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

##### **Subpart 1. General Provisions**

#### **Chapter 1. Standard Administrative Procedures**

##### **Subchapter D. Reimbursement**

#### **§133. Reimbursement**

A. - B. ...

C. Effective for dates of service on or after January 1, 2006, the fee amounts on file as of December 31, 2005 for ambulatory equipment, bathroom equipment, hospital beds, mattresses and related equipment, and for the cost of parts

used in the repair of durable medical equipment and specialized wheelchairs shall be reduced by 9 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:86 (January 2005), amended LR 31:

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

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

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

0512#109

### **DECLARATION OF EMERGENCY**

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

Early and Periodic Screening,  
Diagnosis and Treatment Program  
Dental Services  
Reimbursement Reduction  
(LAC 50:XV.6903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XV.6903 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) dental services under the Medicaid Program. Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State

General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rates paid for certain designated dental services in the EPSDT Program. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$4,686,815 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement fees for EPSDT dental services provided to recipients under age 21.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

#### **Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment**

#### **Chapter 69. Dental Services**

#### **§6903. Reimbursement**

A. The reimbursement fees are reduced for certain designated procedure codes. The procedure codes comply with the Health Insurance Portability and Accountability Act. Effective for dates of service on or after January 1, 2006, the fee amounts on file as of December 31, 2005 shall be reduced by 10 percent for EPSDT dental services.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:176 (February 2003), amended LR 30:252 (February 2004), amended LR 31:667 (March 2005), amended LR 32:

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

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

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

0512#107

## **DECLARATION OF EMERGENCY**

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

#### **Emergency Medical Transportation Program Emergency Ambulance Services Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing adopts the following emergency rule under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget unit by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the base rate for emergency ambulance transportation services. This action is necessary in order to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures for emergency ambulance transportation services by approximately \$1,182,712 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

**Emergency Rule**

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate on file as of December 31, 2005 by 11 percent for emergency ambulance services.

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

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

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

0512#108

**DECLARATION OF EMERGENCY**

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

Emergency Medical Transportation Program  
Non-Emergency Ambulance Services  
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing adopts the following Emergency Rule under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for non-emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the base rate for

non-emergency ambulance services. This action is necessary in order to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this emergency rule will reduce expenditures for non-emergency ambulance transportation services by approximately \$412,335 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

**Emergency Rule**

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate on file as of December 31, 2005 by 12 percent for non-emergency ambulance services.

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

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

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

0512#113

**DECLARATION OF EMERGENCY**

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

Expanded Dental Services for Pregnant Women  
Reimbursement Reduction  
(LAC 50:XV.16107)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XV.16107 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing expanded coverage of certain designated dental services to include Medicaid eligible

pregnant women 21 years of age or older who evidenced the need for periodontal treatment (*Louisiana Register*, Volume 30, Number 3). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget unit by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rates paid for comprehensive periodontal evaluation for certain designated dental services provided to Medicaid eligible pregnant women. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this emergency rule will reduce expenditures in the Medicaid Program by approximately \$15,189 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions contained in the March 20, 2004 Rule governing reimbursement fees for certain designated dental services to Medicaid eligible pregnant women 21 years of age or older who are in need of periodontal treatment.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

#### **Subpart 13. Pregnant Women Extended Services**

#### **Chapter 161. Dental Services**

#### **§16107. Reimbursement**

A. Reimbursement for these services is a flat fee based on the fee schedule established by the Bureau for the Early and Periodic Screening, Diagnosis and Treatment Program minus the amount which any third party coverage would pay. Effective for dates of service on or after January 1, 2006, the fee amounts on file as of December 31, 2006 shall be reduced by 10 percent for dental services rendered to Medicaid eligible pregnant women.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 30:2834 (December 2004), LR 32:

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

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

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

0512#106

### **DECLARATION OF EMERGENCY**

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

Hemodialysis Centers  
Reimbursement Reduction  
(LAC 50:XI.6901)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XI.6901 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement for full co-insurance and deductibles for Medicare Part B claims for hemodialysis services. Reimbursement is made by doing a comparison of the Medicare payment and the Medicaid rate on file for the procedure codes on Medicare Part B claims for hemodialysis center services. If the Medicare payment exceeds the Medicaid rate, the claim is adjudicated as a paid claim with a zero payment. If the Medicaid rate exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed

the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rates paid for co-insurance and deductibles for Medicare Part B claims for hemodialysis services. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this emergency rule will reduce expenditures in the Medicaid Program by approximately \$1,229,160 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement of co-insurance and deductibles for Medicare Part B claims for hemodialysis services.

**Title 50  
PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XI. Clinic Services**

**Subpart 9. Hemodialysis Centers**

**Chapter 69. Reimbursement**

**§6901. Medicare Part B Claims**

A. - B. ...

C. Effective for dates of service on or after January 1, 2006, the fee amounts on file as of December 31, 2005 shall be reduced by 10 percent for co-insurance and deductibles for Medicare Part B claims for hemodialysis services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1022 (May 2004), amended LR 32:

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

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

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

0512#105

**DECLARATION OF EMERGENCY**

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

Home Health Services—Reimbursement Reduction  
(LAC 50:XIX.707)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XIX.707 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement for nursing services provided by home health agencies. Reimbursement is made at a prospective rate established by the Bureau.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget unit by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rates paid to home health agencies for nursing services provided by licensed registered nurses, licensed practical nurses and home health aides. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$1,146,171 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement rates paid to home health agencies for nursing services.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XIX. Other Services**

**Subpart 1. Home Health**

**Chapter 7. Reimbursement Methodology**

**§707. Nursing Services**

A. Effective for dates of service on or after January 1, 2006, the reimbursement rates on file as of December 31, 2005 shall be reduced by 8 percent for nursing services provided by a licensed registered nurse, licensed practical nurse or home health aide.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

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

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

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

0512#104

**DECLARATION OF EMERGENCY**

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

**Hospice—Reimbursement Reduction  
(LAC 50:XV.4301)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XV.4301 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement for hospice services for terminally ill Medicaid recipients. With the exception of payment for physician services,

reimbursement for hospice care is made at one of four predetermined rates for each day in which a Medicaid recipient is under the care of the hospice provider.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget unit by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rates paid for hospice services. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$417,982 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement rates paid for hospice care.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XV. Services for Special Populations**

**Subpart 3. Hospice**

**Chapter 43. Reimbursement**

**§4301. General**

A. ...

B. Effective for dates of service on or after January 1, 2006, the reimbursement rate on file as of December 31, 2005 for hospice care shall be reduced by 12 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1470 (June 2002), amended LR 32:

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

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule.

A copy of this Emergency Rule is available for review by interested parties at parish Medicaid Offices.

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

0512#103

## DECLARATION OF EMERGENCY

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

Laboratory and X-Ray—Reimbursement Reduction  
(LAC 50:XIX.4329 and 4935)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XIX.4329 and 4935 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage for laboratory and x-ray services under the Medicaid Program (*Louisiana Register* Volume 28, Number 5). Reimbursement for laboratory services is made on the basis of the lower of billed charges, the state maximum amount, or the Medicare fee schedule amount.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement paid for laboratory and x-ray services. This action is necessary in order to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$3,043,948 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To

the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of services on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends provisions governing reimbursement for laboratory and x-ray services.

### Title 50

## PUBLIC HEALTH—MEDICAL ASSISTANCE

### Part XIX. Other Services

#### Subpart 3. Laboratory and X-Ray

#### Chapter 43. Billing and Reimbursement

#### Subchapter B. Reimbursement

#### §4329. Physicians and Independent Laboratories

A. - B. ...

C. Effective for dates of service on or after January 1, 2006, the reimbursement rates on file as of December 31, 2005 for laboratory and x-ray services provided by physicians and independent laboratories shall be reduced by 10 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002), amended LR 32:

#### §4335. X-Ray Portage

A. ...

B. Effective for dates of service on or after January 1, 2006, the reimbursement rates on file as of December 31, 2005 for x-ray equipment portage fees shall be reduced by 10 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1026 (May 2004), amended LR 32:

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

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

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

0512#102

## DECLARATION OF EMERGENCY

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

Mental Health Rehabilitation Services—Reimbursement  
Reduction (LAC 50:XV.901)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XV.901 under the Medical Assistance Program as

authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R. S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for mental health rehabilitation services under the Medicaid Program (*Louisiana Register*, Volume 31, Number 5). The reimbursement paid for mental health rehabilitation services is a flat fee for each covered service provided to a qualified recipient.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the established reimbursement rates for mental health rehabilitation services. This action is necessary in order to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Mental Health Rehabilitation Program by approximately \$2,156,853 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement rates for mental health rehabilitation services.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

##### **Subpart 1. Mental Health Rehabilitation**

#### **Chapter 9. Reimbursement**

##### **§901. Reimbursement Methodology**

A. - B. ...

C. Effective for dates of service on or after January 1, 2006, the reimbursement rates on file as of December 31, 2005 for MHR services shall be reduced by 12 percent.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1091 (May 2005), amended LR 32:

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

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

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

0512#101

### **DECLARATION OF EMERGENCY**

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

Professional Services Program  
Anesthesia Services  
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing adopts the following Emergency Rule under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This emergency rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for anesthesia services under the Medicaid Program. The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16.

Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the Department proposes to reduce the reimbursement rates paid to Certified Registered Nurse Anesthetists (CRNA's) for anesthesia services provided to Medicaid recipients. This action is necessary to avoid a budget deficit in the medical

assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$347,514 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

#### **Emergency Rule**

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement amount paid to Certified Registered Nurse Anesthetists for anesthesia services provided to Medicaid recipients. The fee amounts on file as of December 31, 2005 shall be reduced by 10 percent.

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

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

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

0512#111

### **DECLARATION OF EMERGENCY**

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

Targeted Case Management Services  
Reimbursement Reduction  
(LAC 50:XV.10701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing amends LAC 50:XV.10701 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 16 of the 2005 Regular Session, Executive Order KBB 05-82 and Act 67 of the 2005 First Extraordinary Session (Supplemental Appropriations Act). This Emergency Rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and shall be in effect of the maximum period allowed under the Administrative Procedure Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for targeted case management services rendered to the following

targeted populations: Infants and Toddlers, Nurse Family Partnership, Early and Periodic Screening, Diagnosis and Treatment (EPSDT), Mentally Retarded/Developmentally Disabled (MR/DD), HIV Disabled, and Elderly and Disabled Adult Waiver recipients. Reimbursement for these services is a fixed monthly rate for the provision of core elements of case management services.

The Governor's Executive Order KBB 05-82 directed the departments, agencies and/or budget units of the executive branch of the State of Louisiana, as described in and/or funded by appropriations through Act 16 of the 2005 Regular Session of the Louisiana Legislature, to reduce the expenditure of funds appropriated to the budget units by Act 16. Act 67 of the 2005 First Extraordinary Session of the Louisiana Legislature, which ratified and confirmed Executive Order KBB 05-82, further authorized and directed the commissioner of administration to reduce the State General Fund (direct) appropriations contained in Act 16 for designated agencies, including the Department of Health and Hospitals. In compliance with the directives of Act 67, the department proposes to reduce the reimbursement rate for targeted case management services provided to certain targeted populations. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this emergency rule will reduce expenditures in the Medicaid Program by approximately \$329,022 for state fiscal year 2005-2006.

Pursuant to Section 11 of Act 67 and the Deficit Reduction Omnibus Reconciliation Act of 2005, in the event that the federal government increases some component of federal financial participation in Louisiana's Medicaid Program to 100 percent for at least some part of Fiscal Year 2005-2006, the Department shall restore the reductions in Medicaid reimbursement methodologies implemented in response to the decrease in the budget for Medical Vendor Payments. To the extent feasible and allowable by the federal Centers for Medicare and Medicaid Services, these restorations shall be retroactive to the day of implementation.

Effective for dates of service on or after January 1, 2006, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing reimbursement rates for targeted case management services.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

#### **Subpart 7. Targeted Case Management**

#### **Chapter 107. Reimbursement**

#### **§10701. Reimbursement**

A. - C. ...

D. Effective for dates of service on or after January 1, 2006, the reimbursement rate on file as of December 31, 2005 for targeted case management services shall be reduced by .038 percent for the following targeted populations: Nurse Family Partnership, Infants and Toddlers, HIV Disabled, MR/DD and EPSDT Targeted Population.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), amended LR 32:

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

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

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

0512#110

## DECLARATION OF EMERGENCY

### Department of Insurance Office of the Commissioner

#### Rule 21—Tax Reporting Under Emergency Rules (LAC 37:XI.Chapter 39)

In accordance with the emergency provisions of R.S. 49:953.B et seq. of the Administrative Procedure Act, the Commissioner of Insurance hereby adopts Emergency Rule 21. Emergency Rule 21 addresses the current state of emergency as a result of Hurricane Katrina and Hurricane Rita. The damage wrought by the hurricanes has adversely affected the ability of insurers, surplus lines producers, and self-procurers to access records and information necessary to make certain filings with the Department of Insurance, thereby putting such persons at risk of additional financial hardship in the form of sanctions. The availability of insurance to Louisiana businesses and citizens is vital to the economic well-being of the public. Therefore, Emergency Rule 21 is being adopted on an emergency basis. A delay in the promulgation of Emergency Rule 21 would have an adverse impact on the financial welfare of the affected persons, undermining their ability to maintain operations and weakening the availability of insurance, with an ultimate negative impact on the public welfare through the potential loss of insurance and a possible increase in personal and business insolvencies.

As a result of Hurricane Katrina and Hurricane Rita occurring on or about August 29, 2005, and September 23, 2005, respectively, Governor Kathleen Babineaux Blanco, in accordance with the plenary authority granted to her by Const. Art. IV, issued the following: Proclamation No. 48 KBB 2005, State of Emergency Hurricane Katrina, August 26, 2005; Executive Order No. KBB 2005-40, Limited Transfer of Authority to Commissioner of Insurance and Rules Directive for Patients Compensation Fund, September 19, 2005; Proclamation No. 53 KBB 2005, State of Emergency—Hurricane Rita, September 20, 2005; Proclamation No. 54 KBB 2005, Extension of State of Emergency—Hurricane Katrina, September 22, 2005; Proclamation No. 60 KBB 2005, Extension of State of Emergency—Hurricane Rita, October 19, 2005; Proclamation No. 61 KBB 2005, Extension of State of Emergency—Hurricane Katrina, October 24, 2005; Executive Order No. KBB 2005-70, Limited Transfer of Authority to Commissioner of Insurance and Rules Directive

for Patients Compensation Fund, Hurricane Katrina and Rita, Amends Executive Order No. KBB 2005-40, October 24, 2005; and has in accordance with the authority granted to her, directed the Commissioner of Insurance, pursuant to R.S. 22:2, et seq.; R.S. 29:724A, R.S. 29:724D(1), and (3); R.S. 29:724; R.S. 22:2; R.S. 22:3; R.S. 49:950, et seq., to suspend applicable statutes, issue any rules, regulations, directives or take any other actions that the Commissioner deems necessary to protect the public health, safety, and welfare of the citizens of Louisiana.

In accordance with the power delegated by Governor Blanco, and in conjunction with the plenary powers vested in the commissioner pursuant to the Louisiana Insurance Code, the commissioner is hereby postponing the deadlines imposed for the submission of certain reports as set forth in Emergency Rule 21. The forced coverage imposed by the Department of Insurance on insurers maintaining in-force policies in Louisiana which, because of previous emergency rules adopted by the commissioner cannot be cancelled, nonrenewed, or nonreinstated, may place certain insurers at risk for late tax filings and payments. The Commissioner of Insurance has postponed deadlines during the state of emergency, and any said extensions of the state of emergency, for certain taxpayers as follows: filing any returns; paying any tax; filing for credit or refund, or for re-determination, or application for review of an assessment or demand; allowing a credit or refund; giving or making a notice or demand for payment of tax; collecting tax by suit or otherwise; and any other act required or permitted under the Louisiana Insurance Code or specified in the regulations. Furthermore, through Emergency Rule 21, the commissioner provides insurers the method for recording and reconciling their records for the period including the states of emergency while guided by the emergency rules prohibiting, among other things, cancellations, non-renewals, and nonreinstated.

Businesses or individuals who were affected by Hurricane Katrina or Hurricane Rita should mark in red ink "Hurricane Disaster Relief" ("HDR") on the top center of the front page of any late filed return, payment, statement or other document, and should include a brief explanation of the circumstances that affected their inability to meet tax deadlines.

Emergency Rule 21 is effective as of 12:01 a.m., August 26, 2005. Emergency Rule 21 shall remain in effect until terminated in accordance with §3919, unless repealed earlier by act of the commissioner, whichever occurs first. In no event shall it remain in effect for a period longer than the maximum time allowed by the Administrative Procedure Act, (i.e., 120 days from the date of adoption).

#### Title 37

#### INSURANCE

#### Part XI. Rules

#### Chapter 39. Rule 21—Tax Reporting under Emergency Rules

#### §3901. Authority

A. Emergency Rule 21 is adopted under the authority granted to the Commissioner of Insurance pursuant to R.S. 22:2 vesting him with the power to regulate the business of insurance in all of its phases, and R.S. 22:3 vesting him with the power to adopt all rules necessary for the implementation of the Louisiana Insurance Code, in accordance with the grants of authority transferred from the governor to the

Commissioner of Insurance pursuant to Executive Order No. KBB 2005-40 and Executive Order No. KBB 2005-70, and in accordance with the provisions of R.S. 29:721, et seq. and R.S. 49:953.B.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

### **§3903. Purpose**

A. The purpose of Emergency Rule 21 is to suspend certain statutes and regulations in order to grant an extension of time for the reporting of insurance premiums and the remittance of insurance license taxes, fees, including the imposition of penalties and fines for the failure to timely report and remit, and all related provisions as specified below, regarding any and all insurance taxation matters affecting insurers, surplus line producers, and self-procurers engaged in the business of insurance in Louisiana, and maintaining an office and/or records within the parishes included within the original Declarations of Emergency issued by the governor in response to Hurricane Katrina and Hurricane Rita.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

### **§3905. Scope and Applicability**

A. Emergency Rule 21 applies to any and all insurance issues regarding how to account for insurance premiums and/or license taxes and fees due and owing for the times set forth in §§3909, 3911, and 3913 herein by surplus lines producers, self-procurers and insurers who are located in, conducting operations from, or maintaining and storing documents in, any of the following 23 parishes: Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson, Jefferson Davis, Iberia, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, and Washington.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

### **§3907. Definitions**

A. For the purposes of Emergency Rule 21 the following terms shall have the meaning ascribed herein:

**Forced Policy**—an insurance policy in full force and effect on or after 12:01 a.m. on August 26, 2005, for which insufficient premium was collected but said insurance policy remained in full force and effect because the commissioner forbid the insurer from canceling said insurance policy during the pendency of Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita.

**Forced Premiums**—premiums earned from forced policies which were in effect during the period of time imposed by Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita in one of the parishes enumerated in Section 3905 above.

**Forced Premiums Collected**—forced premiums actually collected by an insurer from the insured during the period of time imposed by Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita, and any applicable notice of cancellation period.

**Forced Premiums Not Collected**—forced premiums not collected by the insurer from the insured for forced coverage provided by a forced policy for the period of time imposed by Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita, and any applicable notice of cancellation period.

**Commissioner**—the Commissioner of Insurance.

**Forced Coverage**—a policy of insurance providing insurance protection for insureds as mandated by the commissioner pursuant to Emergency Rule 15 for Hurricane Katrina, or Emergency Rule 19 for Hurricane Rita, and despite the fact that no payment of premium has been made by the insured.

**Insurer**—every person engaged in the business of making, writing, offering for sale or contracting with regard to any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, disability insurance, reciprocal insurance and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana.

**LDI**—the Louisiana Department of Insurance.

**Person**—an individual, a corporation, a partnership, an association, a trust, a joint stock company, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert.

**Surplus Lines Producer**—a person required to be licensed by the commissioner under the laws of this state to sell, solicit, or negotiate insurance, and includes all persons or business entities otherwise referred to in the Louisiana Insurance Code as "insurance agent" or "agent," or "insurance broker" or "broker," or "insurance solicitor" or "solicitor," or "surplus lines broker."

**Self-Procurer**—a person who acquires insurance from the surplus lines market without going through a surplus lines broker as provided for in R.S. 22:1266.B.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

### **§3909. Reporting of Surplus Lines Quarterly Reports**

A. Second Quarter Report. The deadline to submit Form 1265, Surplus Lines Tax Report, for the Second Quarter of 2005, and to remit the tax due, is extended for all surplus lines producers and for all self-procurers that maintain an office and/or records in one or more of the parishes set forth

in the governor's original states of emergency proclamations, as referenced in §3905 herein. Persons who qualify for this extension shall file the Quarterly Report for the Second Quarter of 2005 on or before December 31, 2005.

B. Third Quarter Report. The deadline to submit Form 1265, Surplus Lines Tax Report, for the Third Quarter of 2005, and to remit the tax due, is extended for all surplus lines producers and for all self-procurers that maintain an office and/or records in one or more of the parishes set forth in the governor's original states of emergency proclamations, as referenced in §3905 herein. Persons who qualify for this extension shall file the Quarterly Report for the Third Quarter of 2005 on or before December 31, 2005.

C. Quarterly Reports. Quarterly reports received on or before the time periods set forth in Subsection A and Subsection B of this Section will be deemed timely and surplus lines producers qualifying for an extension under Emergency Rule 21 will not be subject to penalties, fees, fines, suspensions, or revocation of their Louisiana surplus lines producer's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

#### **§3911. Reporting of Insurers Quarterly Reports**

A. Third Quarter Report. The deadline to submit Form 1071, Quarterly Tax Statement, for the Third Quarter of 2005, and to remit the tax due, is extended for all insurers that maintain an office and/or records in one or more of the parishes set forth in the governor's original states of emergency proclamations, as referenced in §3905 herein. Insurers qualifying for this extension shall file the Quarterly Report for the Third Quarter of 2005 on or before December 31, 2005.

B. Quarterly Reports. Quarterly reports received on or before the time periods set forth in Subsection A of this Section will be deemed timely and insurers qualifying for an extension under Emergency Rule 21 will not be subject to penalties, fees, fines, suspensions, or revocation of their Louisiana certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

#### **§3913. Annual Financial Statement Reporting**

A. Annual Financial Statement. Forced premiums related to forced coverage as a result of Emergency Rule 15 for Hurricane Katrina and Emergency Rule 19 for Hurricane Rita should be accounted for as prescribed in this section.

1. Forced Premiums Collected. Forced premiums collected shall be booked as "earned premiums" and included in written premiums in presumptive compliance with R.S. 22:1066. Any forced premiums not collected for insurance coverage provided by an insurer during the period of time imposed by Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita, but

subsidized by the federal government or any other collateral source, shall be accounted for as "earned premiums" and shall be included as "written premiums" when preparing and filing the annual financial statement.

2. Forced Premiums Not Collected. Forced premiums not collected from insureds, and considered by the insurer as uncollectible from the insured on or after the termination of Emergency Rule 15 for Hurricane Katrina or Emergency Rule 19 for Hurricane Rita shall be accounted for as "returned premiums" and reduced against any corresponding "written premiums" when preparing and filing the annual reports. The amount of "unearned premiums" returned by insurers to premium finance companies should also be accounted for as "returned premiums" and reduced against any corresponding "written premiums" when preparing and filing the annual financial statement.

3. Reporting. The commissioner reserves the right to amend, clarify or interpret Emergency Rule 21 in order to impose additional reporting requirements which will be set forth by the commissioner in the instructions for the preparation and filing of the annual financial statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

#### **§3915. Investigations; Disciplinary Hearings; Sanctions**

A. Investigations. If the commissioner has reason to believe that any person misrepresents qualifications for an extension of time under Emergency Rule 21, the commissioner may order such person to produce all books and records of the business in accordance with his plenary authority, the authority of Emergency Rule 21 and R.S. 22:1073 and/or R.S. 22:1270.

B. Hearings and Sanctions. If the investigation supports the commissioner's belief, the commissioner may seek the imposition of such sanctions as would apply in the absence of the extension provided under Emergency Rule 21, including, but not limited to, the sanctions authorized by R.S. 22:987; R.S. 22:1266-1267; and, R.S. 22:1457.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

#### **§3917. Severability**

A. If any section or provision of Emergency Rule 21 is held invalid, such invalidity shall not affect other sections or provisions which can be given effect without the invalid section or provision, and for this purpose the sections and provisions of Emergency Rule 21 are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

**§3919. Effective Date; Termination**

A. This Emergency Rule was adopted on November 30, 2005, and became effective as of 12:01 a.m. on August 26, 2005, for Emergency Rule 15 for Hurricane Katrina, and became effective as of 12:01 a.m. on September 20, 2005, for Emergency Rule 19 for Hurricane Rita. Emergency Rule 21 shall continue in full force and effect for the duration of the respective states of emergency for Hurricane Katrina or Hurricane Rita as proclaimed by the Governor, but in no event shall Emergency Rule 21 be in effect for more than 120 days following the date of adoption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2; R.S. 22:3; R.S. 22:1066, et seq.; R.S. 29:721, et seq.; R.S. 29:724; R.S. 49:950, et seq.; Executive Order KBB 05-40; and Executive Order KBB 05-70.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley  
Commissioner

0512#047

**DECLARATION OF EMERGENCY**

**Department of Justice  
Office of the Attorney General**

Deceptive Practices in Charitable Solicitations  
(LAC 16:III.515)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) which allows the Attorney General to use emergency procedures to establish rules, and under the authority of R.S. 51:1401 et seq. and 51:1901 et seq., the Attorney General hereby withdraws the September 19, 2005 Emergency Rule, LAC 16:III.515.F.1.-2 as was published in the October 20, 2005 *Louisiana Register*.

This Emergency Rule is hereby rescinded effective November 11, 2005.

**Title 16  
COMMUNITY AFFAIRS  
Part III. Consumer Protection**

**Chapter 5. Unfair and Deceptive Trade Practices**

**§515. Charitable Solicitations**

- A. - E. ...
- F.1. repealed.
- 2. repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1401 et seq.

HISTORICAL NOTE: Adopted by the Office of the Governor, Office of Consumer Protection, June, 1977, repealed and promulgated by the Department of Justice, Consumer Protection Section, LR 21:954 (September 1995), amended LR 32:

Charles C. Foti, Jr.  
Attorney General

0512#001

**DECLARATION OF EMERGENCY**

**Department of Revenue  
Tax Commission**

Ad Valorem Taxation  
(LAC 61:V.101, 103, 203, 205, 211, 301, 304, 309, 703, 705, 907, 1103, 1307, 1501, 1503, 2503, 3101, 3103, 3105, 3307, 3501, 3503, and 3507)

The Louisiana Tax Commission, at its meeting of October 19, 2005, exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 2006. Cost indexes required to finalize these assessment tables are not available to this office until late October 2005. The effective date of this Emergency Rule is January 1, 2006.

**Title 61  
REVENUE AND TAXATION  
Part V. Ad Valorem Taxation**

**Chapter 1. Constitutional and Statutory Guides to Property Taxation**

**§101. Constitutional Principles for Property Taxation**

- A. - E. ...
- F. Special Assessment Level

1. The assessment of residential property receiving the homestead exemption which is owned and occupied by any person or persons 65 years of age or older and who meet all of the other requirements of this Section shall not be increased above the total assessment of that property for the first year that the owner qualifies for and receives the special assessment level.

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, as reported in the federal tax return for the year prior to the application for the special assessment, exceeds \$58,531 for tax year 2006 (2007 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. An eligible owner shall apply for the special assessment level by filing a signed application establishing that the owner qualifies for the special assessment level with the assessor of the parish or, in the parish of Orleans, the assessor of the district where the property is located.

4. The special assessment level shall remain on the property as long as:

- a. that owner, or that owner's surviving spouse who is 55 years of age or older or who has minor children, remains the owner of the property; and

b. the value of the property does not increase more than 25 percent because of construction or reconstruction.

5. A new or subsequent owner of the property may claim a special assessment level when eligible under this Section. The new owner is not necessarily entitled to the same special assessment level on the property as when that property was owned by the previous owner.

6. The special assessment level on property that is sold shall automatically expire on the last day of December in the year prior to the year that the property is sold. The property shall be immediately revalued at fair market value by the assessor and shall be assessed by the assessor on the assessment rolls in the year it was sold.

7. A usufructuary is entitled to the benefit of the special assessment level attained by the prior owner/occupant, provided that either;

a. the usufructuary is the owner's surviving spouse, occupying the house, who is 55 years of age or older or who has minor children, and the value of the property does not increase more than 25 percent because of construction or reconstruction; or

b. the usufructuary is the immediate prior owner of the homestead and the homestead is occupied by such usufructuary. A usufructuary is entitled to the special assessment level freeze if and when he or she qualifies independently.

8. As to whether one can enjoy the special assessment level in a trust situation, the Louisiana Tax Commission interprets La. Const. Article VII, Section 18(G). The special assessment level is permitted to remain on property otherwise qualified for the special assessment level when title to the property is transferred to an irrevocable trust established for the benefit of a surviving spouse, who is 55 years of age or older, or who has minor children, provided the spouse occupies the property and the value of the property does not increase more than 25 percent because of construction or reconstruction.

9. The special assessment level, like the homestead exemption, should be applied to the extent of a homeowner's undivided interest in the occupied property.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:

### §103. Exempt Property

A. In addition to the homestead exemption provided for in Section 20 of Article VII of the constitution, the following property and no other shall be exempt from ad valorem taxation:

1. ...

2. property of a nonprofit corporation or association organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member and which is declared to be exempt from federal or state income tax;

3. property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

4. property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association. The exemption should be allowed only if it is determined that the requesting organization has met all of the constitutional requirements for exemption. Assessors may request the following information from the taxpayer in order to make a determination of exemption:

a. completed LTC Application for Exemption—Real Estate Taxes;

b. certified copy of the articles of incorporation of the organization;

c. certified copy of the by-laws of the organization;

d. copy of the Internal Revenue Service letter granting the organization tax-exempt status;

e. audited financial statements for the preceding three years, along with an affidavit from the organization's CPA and/or treasurer that the financial statements are true and correct;

f. federal tax returns filed for the preceding three years; and

g. affidavit from the president or other duly appointed officer stating:

i. the price paid for each share of stock issued by the organization for the past five years;

ii. whether or not over the previous five years any dividends have been paid or interest accrued on the value of the stock of the organization; and

iii. whether or not any part of the net earnings of the organization inure to the benefit of any member of the organization.

A.5. - G. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §21.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:478 (March 1998), LR 32:

## Chapter 2. Policies and Procedures for Assessment and Change Order Practices

### §203. Change Orders

#### A. General Provision

1. Assessors' offices shall submit to the LTC, change orders to correct errors and omissions in the tax rolls of the appropriate parish.

2. A change shall be submitted via LTC website ([www.latax.state.la.us](http://www.latax.state.la.us)).

3. - 4. ...

5. Change order batches should not exceed a total of 50 change order requests, in order to facilitate speedy transmission.

6. ...

7. All change order requests should be submitted to the LTC no later than Thursday noon of each week.

8. All change order requests shall be reviewed by LTC staff for approval or denial by the commission at their regularly scheduled Open Meetings.

9. All change order requests via the Louisiana Tax Commission (LTC) website filing shall be subject to the

provisions of Title 47, Sections 1835, 1966, 1990, and/or 1991.

**B. Form of the Change Orders**

1. - 2. ...

3. LTC website change order system requests shall comply with the Louisiana State Tax Commission Electronic Change Order Export Specifications. These specifications can be found on the LTC website at [www.latax.state.la.us](http://www.latax.state.la.us).

a. ...

b. All export data submitted to the LTC shall require utilization of the standard format currently posted on the LTC's website. Any parish that imports an individual parish change order data batch into the LTC's website must adhere to the LTC's format specifications.

B.1.c. - D.1.e. ...

f. Special Assessment (over 65) Freeze Land: Improvement:

g. - s. ...

t. Public Property—Property donated or sold to a bona fide exempt public entity. Donation or Sale Date:

u. ...

v. Redemption—Removed from adjudication roll. Date Redeemed:

w. Redemption—Taxpayer redeemed from tax sale. Date Redeemed:

D.1.x. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 20. (A)(1); R.S. 47:1703, R.S. 47:1703A., R.S. 47:1703.1.B., R.S. 47:1835, R.S. 47:1837, R.S. 47:1952, R.S. 47:1966, R.S. 47:1990, and R.S. 47:1991.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005), amended LR 32:

**§205. Property Not Entitled to Homestead Exemption**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Sections 20 and 21, Section 20(A)(1) and Section 20(A)(2), LTC Title 61, Chapter 35, Rule 3503.A.2.c. and Rule 3503.D.8., R.S. 47:1837, R.S. 47:2301, R.S. 47:2302, R.S. 47:2303, R.S. 47:2307, and R.S. 47:2307.C(2).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:701 March 2005), repealed LR 32:

**B. Property Classifications Standards**

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
<b>Real Estate</b>					
* * *					
			3020	Marsh Acreage (Market Value)	Marsh land 3 Acres or more in area valued at Market level since a Use Value classification has not been filed with the Assessor's Office.
			3022	Lake Servitude Lands (Market Value)	Lake Servitude land containing 3 Acres or more in area valued at Market level since a Use Value Classification has not been filed with the Assessor's Office.
			3024	Batture Land (Market Value)	Batture land containing 3 Acres or more in area valued at Market level since a Use Value classification has not been filed with the Assessor's Office.
* * *					
			3220	Marsh Acreage (Market Value)	Marsh land more than 1 Acre but less than 3 Acres in area valued at Market Value since Use Value Form has not been filed with the Assessor's Office.

**§211. Industrial Exemption Properties**

A. - B. ...

1. If an assessor determines that any portion of an Industrial Exemption is not eligible for ad valorem tax exemption, pursuant to Article VII, Section 21(F) of the Louisiana Constitution of 1974 and rules of the Industrial Tax Exemption Program, notice shall immediately be submitted to DED, with written ineligibility reasons given.

2. - 4. ...

5. Assessors are urged to obtain rules for the Industrial Tax Exemption Program available at <http://www.lded.state.la.us/businessresources/pdf/TYRules.pdf> or by contacting DED's Business Incentives Division.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 21(F).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005), amended LR 32:

**Chapter 3. Real and Personal Property**

**§301. Definitions**

\* \* \*

*Fair Market Value*—the price for property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances; it shall be the highest price estimated in terms of money which property will bring if exposed for sale on the open market with reasonable time allowed to find a purchaser who is buying with knowledge of all the uses and purposes to which the property is best adopted and for which it can be legally used.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1853 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:77 (February 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 10:16 (January 1984), LR 13:763 (December 1987), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 32:

**§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications**

A. ...

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
			3222	Lake Servitude Lands (Market Value)	Lake Servitude Land containing more than 1 Acre but less than 3 Acres in area valued at Market Value since Use Value Form has not been filed with the Assessor's Office.
			3224	Batture Lands (Market Value)	Batture Land containing more than 1 Acre but less than 3 Acres in area valued at Market Value since Use Value Form has nor been filed with the Assessor's Office.
* * *					
			3640	Institutional Non-Subdivision Lot	Institutional Acreage less than 3 Acres in size used by government, schools or churches (Market Value)
	37	No Land Value	3700	No Land Value (Leased Property)	Land leased by tenant for placement of Manufactured Homes (Mobile Home/Trailer) or Leasehold Improvements. (This land class could be used for condominiums where land value is part of the improvement value.)
* * *					
	45	Improvements Commercial Or Industrial	4560	Shed and Farm Buildings	Includes Utility Buildings; Equipment Buildings; Golf Cart Buildings; Boat Storage Buildings and Sheds; Shed Office Structures; Materials Storage Buildings; Bulk Oil Storage Buildings; Toolsheds; Prefabricated Sheds; Lumber Storage, Vertical Buildings; and Horizontal Sheds; Potato Storage Buildings; Fruit Packing Barns; Bulk Fertilizer Storage; Bag Fertilizer Storage; Seed Warehouses; Cotton Gin Buildings; Dehydrator Buildings; Dairies; Milk Houses; Barns; Free Stall Barns; Barn Lofts; Hog Barns and Sheds; Sheep Barns and Sheds; Tobacco Barns; Stables; Arenas; Poultry Houses; Greenhouses; Labor Dormitories; Transient Labor Cabins; Corn Cribs; Farm Silos; Grain Handling Systems; Grain Elevators; Livestock, Hay and Sun Shelters; Enclosed and Screened Cages; Poultry Floor Operation, Breeder, Broiler and Turkey Barns; Sheds, Cattle, Loafing and Feeding; Environmental Storages; Controlled Atmosphere Buildings; Shop Buildings and Sheds.
			4570	Schools and Classrooms	Elementary, Middle, High, Alternative, Vocational Schools; Day Care Centers; Colleges and Universities; Classroom Buildings; Special Education or Learning Classrooms; Laboratory Classrooms; Lecture Classrooms; Administrative Buildings; Academic Libraries; Fine Arts Buildings; Manual Arts and College Technical Trades Buildings; Multipurpose Buildings; Bookstores; Gymnasiums; Physical Education Buildings; Fieldhouses; Natatoriums; Shower Buildings; Restroom Buildings; Commercial or Institutional Greenhouses; and Maintenance Buildings.
			4590	Old Residences (Historical)	Includes older residences that have classified as antique or historical in nature.
* * *					
<b>Personal Property-Section A</b>					
	52	Business Furniture & Fixtures	5200	Business Furniture & Fixtures	Office Furniture and Equipment.
	53	Miscellaneous Personal Property	5300	Computer Hardware/Software	Includes Computer Hardware, Software, Computer network equipment, printers, etc.
			5310	Electronics	Includes Electronic Typewriters, Copy Machines, Postage Machines, etc.
			5320	Leasehold Improvements	Includes all Leasehold Improvements being expensed by tenant of rental property.
			5330	Telecommunications Equipment	Includes all telephone systems, telephone switching equipment not Public Service.
			5340	Cell Towers	Includes Cell Towers and related equipment not part of Public Service.
			5350	Video Poker Machines	Includes Video Poker Machines, Slot Machines and other gambling related equipment.
* * *					
<b>Personal Property-Section B</b>					
	66	Drilling Rigs	6600	Drilling Rigs	Drilling Rigs and related equipment.
	68	Oil and Gas Wells	6800	Oil Wells	Oil Wells, Abandon Wells, Orphan Wells, Plug Wells
			6801	Future Utility	Future Utility

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
			6802	Non Future Utility	Non Future Utility
			6810	Gas Wells	Gas Wells
			6811	Future	Future
			6812	Non Future	Non Future
			6820	Injection Wells Service Wells	Injection Wells, Service Wells, Saltwater Disposal, Brine Wells, Water Wells
			6830	Commercial Disposal Wells	Commercial Disposal Wells
***					
<b>Exempt Property</b>					
	70	Commerce And Industry Exemptions	7000	Buildings	Includes Buildings currently under Commerce & Industry Exemptions.
		Ten Year Exemptions	7010	Machinery & Equipment	Includes Machinery & Equipment currently under a Commerce & Industry Exemption.
			7020	Furniture & Fixtures	Includes Furniture & Fixtures currently under a Commerce & Industry Exemption.
			7030	Leased Equipment	Includes Leased Equipment currently under a Commerce & Industry Exemption.
			7040	Side Tracks	Includes Side Tracks currently under a Commerce & Industry Exemption.
			7050	Miscellaneous Personal Property	Includes Miscellaneous Personal Property currently under a Commerce & Industry Exemption.
			7060	Water Tanks	Includes Water Tanks currently under a Commerce & Industry Exemption.
	71	Institutional Exempt Property	7100	Governmental Buildings	Includes any buildings owned by local, state and federal government agencies.
			7110	Educational Buildings	Includes any buildings owned by public school districts, colleges, community colleges, technical colleges, universities, etc.
			7120	Churches & Religious Buildings	Includes churches, sanctuaries, fellowship halls, classrooms, etc.
			7130	Agricultural Buildings	Includes all agricultural facilities such as farm buildings, barns, stables, sheds, etc.
			7140	Furniture & Fixtures	Includes Furniture & Fixtures currently owned by tax exempt institutions.
			7150	Leased Equipment	Includes Leased Equipment currently used by tax exempt institutions.
			7160	Miscellaneous Personal Property	Includes any personal property owned by tax exempt institutions.
	72	Exempt Land	7200	Land	Exempt Land
<b>Total Exempt Property</b>					
<b>Public Service</b>					
	80	Airline Companies	8000	Aircraft	Commercial Airline Companies' aircraft assessed by the Louisiana Tax Commission.
			8010	Ground Equipment	Commercial Airline Companies' ground equipment assessed by the Louisiana Tax Commission.
	81	Barge Line Companies	8100	Barge Lines	Barge Line Companies' assets assessed by the Louisiana Tax Commission.
	82	Electric, Gas & Water Companies	8200	Lines	Electric, Gas and Water Companies' lines assessed by the Louisiana Tax Commission.
			8210	Land	Electric, Gas and Water Companies' land assessed by the Louisiana Tax Commission.
			8220	Improvements	Electric, Gas and Water Companies' improvements assessed by the Louisiana Tax Commission.
			8230	Machinery & Equipment	Electric, Gas and Water Companies' machinery and equipment assessed by the Louisiana Tax Commission.
			8240	Construction Work In Progress	Electric, Gas and Water Companies' construction work in progress assessed by the Louisiana Tax Commission.
			8250	Other	Electric, Gas and Water Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
	83	Pipeline Companies	8300	Lines	Pipeline Companies' pipelines assessed by the Louisiana Tax Commission.
			8310	Oil & Gas Storage	Pipeline Companies' oil and gas storage tanks assessed by the Louisiana Tax Commission.
			8320	Machinery & Equipment	Pipeline Companies' machinery and equipment assessed by the Louisiana Tax Commission.
			8330	Land	Pipeline Companies' land assessed by the Louisiana Tax Commission.
			8340	Right of Ways	Pipeline Companies' right of ways assessed by the Louisiana Tax Commission.

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
			8350	Open Access	Pipeline Companies' open access assessed by the Louisiana Tax Commission.
			8360	Improvements	Pipeline Companies' improvements assessed by the Louisiana Tax Commission.
			8370	Construction Work In Progress	Pipeline Companies' construction work in progress assessed by the Louisiana Tax Commission.
			8380	Other	Pipeline Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
	84	Private Car Line Companies	8400	Private Car Lines	Private Car Line Company assets assessed by the Louisiana Tax Commission.
	85	Railroad Companies	8500	Main Lines	Railroad Companies' main lines assessed by the Louisiana Tax Commission.
			8510	Second Lines	Railroad Companies' secondary lines assessed by the Louisiana Tax Commission.
			8520	Side Lines	Railroad Companies' side lines assessed by the Louisiana Tax Commission.
			8530	Land	Railroad Companies' land assessed by the Louisiana Tax Commission.
			8540	Improvements	Railroad Companies' improvements assessed by the Louisiana Tax Commission.
			8550	Other	Railroad Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
			8560	Rolling Stock	Railroad Companies' rolling stock assessed by the Louisiana Tax Commission.
	86	Telephone Companies	8600	Lines	Telephone Companies' lines assessed by the Louisiana Tax Commission.
			8610	Land	Telephone Companies' land assessed by the Louisiana Tax Commission.
			8620	Improvements	Telephone Companies' improvements assessed by the Louisiana Tax Commission.
			8630	Machinery & Equipment	Telephone Companies' machinery and equipment assessed by the Louisiana Tax Commission.
			8640	Construction Work In Progress	Telephone Companies' construction work in progress assessed by the Louisiana Tax Commission.
			8650	Other	Telephone Companies' other miscellaneous equipment assessed by the Louisiana Tax Commission.
<b>Adjudicated Property</b>					
	90	Adjudicated	9000	Land	Adjudicated Land
			9100	Improvements	Adjudicated Improvements
			9200	Other	Other Adjudicated Property
<b>Total Adjudicated Property</b>					
<b>Grand Total</b>					

C. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), amended LR 32:

**§309. Tax Commission Miscellaneous Forms**

A. - E. ...

F. TC Form 65, Application For Special Assessment Level, should be used by certain eligible persons, 65 years of age or older, to apply for the special assessment level in accordance with R.S. 47:1712. This form is publicly available on the Louisiana Tax Commission's official website at [www.latax.state.la.us](http://www.latax.state.la.us).

G. TC Form 75, Homestead Exemption Affidavit shall be used by those persons who may be eligible for the Homestead Exemption pursuant to §3505 of these rules. This form is publicly available on the Louisiana Tax Commission's official website at [www.latax.state.la.us](http://www.latax.state.la.us).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1712, R.S. 47:1835, R.S. 47:1837, R.S. 47:1966, R.S. 47:1990, R.S. 47:1991 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 21:186 (February

1995), amended LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 27:424 (March 2001), LR 28:517 (March 2002), LR 30:487 (March 2004), LR 32:

**Chapter 7. Watercraft**

**§703. Tables—Watercraft**

A. Floating Equipment—Motor Vessels

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2005	0.979	1	94	.92
2004	1.052	2	87	.92
2003	1.089	3	80	.87
2002	1.107	4	73	.81
2001	1.114	5	66	.74
2000	1.123	6	58	.65
1999	1.144	7	50	.57
1998	1.147	8	43	.49
1997	1.157	9	36	.42
1996	1.176	10	29	.34
1995	1.194	11	24	.29
1994	1.237	12	22	.27
1993	1.271	13	20	.25

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2005	0.979	1	97	.95
2004	1.052	2	93	.98
2003	1.089	3	90	.98
2002	1.107	4	86	.95
2001	1.114	5	82	.91
2000	1.123	6	78	.88
1999	1.144	7	74	.85
1998	1.147	8	70	.80
1997	1.157	9	65	.75
1996	1.176	10	60	.71
1995	1.194	11	55	.66
1994	1.237	12	50	.62
1993	1.271	13	45	.57
1992	1.296	14	40	.52
1991	1.312	15	35	.46
1990	1.338	16	31	.41
1989	1.374	17	27	.37
1988	1.448	18	24	.35
1987	1.509	19	22	.33
1986	1.531	20	21	.32
1985	1.546	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:

§705. Tables—Watercraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:716 (March 2005), repealed LR 32:

Chapter 9. Oil and Gas Properties

§907. Tables—Oil and Gas

A. - B.1. ...

2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
2005	230643	Higher	96
2004	229010	230642	92
2003	227742	229009	88
2002	226717	227741	84
2001	225352	226716	80
2000	223899	225351	76
1999	222882	223898	72

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
1998	221596	222881	68
1997	220034	221595	64
1996	218653	220033	60
1995	217588	218652	56
1994	216475	217587	52
1993	215326	216474	48
1992	214190	215325	44
1991	212881	214189	40
1990	211174	212880	36
1989	209484	211173	32
1988	207633	209483	30
1987	205211	207632	28
1986	202933	205210	24
1985	Lower	202932	20*
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

B.3. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission. LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29: 368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:

Chapter 11. Drilling Rigs and Related Equipment

§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	552,300	82,800
4,000	610,300	91,500
5,000	708,100	106,200
6,000	846,000	126,900
7,000	1,023,700	153,600
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	1,241,400	186,200
9,000	1,499,100	224,900
10,000	1,796,600	269,500
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	2,134,200	320,100
12,000	2,511,600	376,700
13,000	2,929,000	439,400
14,000	3,386,300	507,900
15,000	3,883,600	582,500

Table 1103.A Land Rigs		
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	4,420,800	663,100
17,000	4,997,900	749,700
18,000	5,615,000	842,300
19,000	6,272,000	940,800
20,000	6,969,000	1,045,400
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	7,705,900	1,155,900
25,000 +	8,533,700	1,280,100

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 20,000,000	\$ 3,000,000
	200-299 FT.	35,000,000	5,250,000
***			
MC	300-Up FT.	\$ 40,000,000	\$ 6,000,000

IC - Independent Leg Cantilever  
 IS - Independent Leg Slot  
 MC - Mat Cantilever  
 MS - Mat Slot

C. Submersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
0 - 800 FT.	45,700,000	6,855,000
801 - 1,800 FT.	81,875,000	12,281,300
***		

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

D. Well Service Rigs Land Only (Good Condition)

Table 1103.D Well Service Rigs Land Only (Good Condition)				
Class	Mast	Engine	Fair Market Value	Assessment
I	72' X 125M# 75' X 150M#	6V71	190,750	28,615
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	8V71	253,750	38,100
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	8V92	306,250	45,950
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	12V71	339,150	50,875

Table 1103.D Well Service Rigs Land Only (Good Condition)				
Class	Mast	Engine	Fair Market Value	Assessment
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	12V71 12V92	356,125	53,400
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	12V71 (2) 8V92	417,550	62,600
VII	117' X 215M#	(2) 8V92 (2) 12V71	517,125	77,600

Note: These tables assume complete rigs in good condition. If it is documented to the assessor that any rig is incomplete or is in less than good condition, these amounts should be adjusted.

E. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines Onshore

Table 1307.A Current Costs for Other Pipelines Onshore		
Diameter (inches)	Cost Per Mile	15% of Cost Per Mile
2	\$ 126,540	\$ 18,980
4	147,410	22,110
6	171,710	25,760
8	200,010	30,000
10	232,990	34,950
12	271,400	40,710
14	316,140	47,420
16	368,260	55,240
18	428,970	64,350
20	499,690	74,950
22	582,070	87,310
24	678,030	101,700
26	789,800	118,470
28	920,010	138,000
30	1,071,680	160,750
32	1,248,360	187,250
34	1,454,160	218,120
36	1,693,890	254,080
38	1,973,150	295,970
40	2,298,440	344,770
42	2,677,350	401,600
44	3,118,740	467,810
46	3,632,890	544,930
48	4,231,810	634,770

Note: Excludes river and canal crossings.

B. Current Costs for Other Pipelines Offshore

Diameter (inches)	Cost Per Mile	15% of Cost Per Mile
6	\$ 915,990	\$ 137,400
8	931,400	139,710
10	953,890	143,080
12	983,450	147,520
14	1,020,080	153,010
16	1,063,780	159,570
18	1,114,560	167,180
20	1,172,410	175,860
22	1,237,320	185,600
24	1,309,310	196,400
26	1,388,380	208,260
28	1,474,510	221,180
30	1,567,720	235,160
32	1,667,990	250,200
34	1,775,340	266,300
36	1,889,760	283,460
38	2,011,260	301,690
40	2,139,820	320,970
42	2,275,460	341,320
44	2,418,170	362,730
46	2,567,950	385,190
48	2,724,800	408,720

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:

**Chapter 15. Aircraft**

**§1501. Guidelines for Ascertaining the Fair Market Value of Aircraft**

A. - A.4. ...

B. Valuation When Using the Cost Approach. Fair market value is the valuation standard for aircraft. The assessor shall estimate the fair market value of each aircraft having situs in his parish through use of the information provided him on LAT Form 15. The same procedure shall be used as for other forms of machinery and equipment. That is, the original cost of the aircraft will be brought up to current value through use of the appropriate cost index, percent good factors and composite multipliers appearing in Table 1503.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1952, R.S. 47:2323, R.S. 47:2326, R.S. 47:6001 and R.S. 47:1707.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:942 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 32:

**§1503. Aircraft (Including Helicopters) Table**

A. Aircraft (Including Helicopters)

Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2005	0.979	1	92	.90
2004	1.052	2	84	.88
2003	1.089	3	76	.83
2002	1.107	4	67	.74
2001	1.114	5	58	.65
2000	1.123	6	49	.55
1999	1.144	7	39	.45
1998	1.147	8	30	.34
1997	1.157	9	24	.28
1996	1.176	10	21	.25
1995	1.194	11	20	.24

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:

**Chapter 25. General Business Assets**

**§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property**

A. ...

Business Activity/Type of Equipment	Average Economic Life in Years
***	
All Terrain Vehicles	10
***	
Amusement Devices (Music, Pinball Mach., etc.)	12
Video Games	3
Video Poker Gaming Equipment	5
Inflatable Air Bouncers	5
***	
Auto Repair	10
Paint Booths	15
***	
Banks	
Automatic Teller Machines (ATM's)	8
Furniture and Fixtures	12
Safety Deposit Boxes	25
Encoders	10
***	
Barber and Beauty Shops	10
Tanning Beds	10
***	
Coolers (water)	3
Water Bottles (5 gallon)	10
***	
Modular Office Buildings (portable)	15
***	
Rental Equipment	
Public U-Rent (except heavy equipment)	8
Tuxedos	5

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Linens	3
* * *	
Signs	
Bulletin Boards	15
Billboards	15
Neon	10
Plastic Illuminated	10
Poster Panels	15
Electronic Three-sided Billboard	10
* * *	
Storage Buildings (portable)	10
* * *	
Telecommunications Equipment (electronic)	8
Fiber Optic Cable (buried)	15
Fiber Optic Cable (exposed)	8
* * *	

Table 2503.B Percent Good			
Year	Age	National Average 1926 = 100	January 1, 2005 = 100*
2001	5	1093.4	1.114
2000	6	1084.3	1.123
1999	7	1065.0	1.144
1998	8	1061.8	1.147
1997	9	1052.7	1.157
1996	10	1036.0	1.176
1995	11	1020.4	1.194
1994	12	985.0	1.237
1993	13	958.0	1.271
1992	14	939.8	1.296
1991	15	928.5	1.312
1990	16	910.2	1.338
1989	17	886.5	1.374
1988	18	841.4	1.448
1987	19	806.9	1.509
1986	20	795.4	1.531
1985	21	787.9	1.546
1984	22	776.4	1.569
1983	23	755.8	1.612
1982	24	742.4	1.641
1981	25	709.2	1.717
1980	26	642.8	1.895

B. Cost Indices

Table 2503.B Percent Good			
Year	Age	National Average 1926 = 100	January 1, 2005 = 100*
2005	1	1244.5	0.979
2004	2	1157.3	1.052
2003	3	1118.6	1.089
2002	4	1100.0	1.107

\*Reappraisal Date: January 1, 2005 – 1218.0 (Base Year)

C. ...

D. Composite Multipliers (2005 Orleans Parish)

Table 2503.D Composite Multipliers 2006 (2007 Orleans Parish)								
Age	3 Years	5 Years	8 Years	10 Years	12 Years	15 Years	20 Years	25 Years
1	.69	.83	.88	.90	.92	.93	.95	.96
2	.52	.73	.83	.88	.92	.95	.98	1.00
3	.37	.57	.73	.83	.87	.93	.98	1.01
4	.18	.38	.60	.74	.81	.87	.95	1.00
5		.26	.48	.65	.74	.81	.91	.97
6		.20	.37	.55	.65	.76	.88	.94
7			.30	.45	.57	.71	.85	.93
8			.25	.34	.49	.63	.80	.89
9			.23	.28	.42	.57	.75	.87
10				.25	.34	.51	.71	.83
11				.24	.29	.44	.66	.81
12					.27	.38	.62	.79
13					.25	.33	.57	.76
14						.30	.52	.73
15						.28	.46	.68
16						.27	.41	.64
17							.37	.60
18							.35	.56
19							.33	.51
20							.32	.46
21							.31	.43
22								.41
23								.39
24								.33
25								.34
26								.38

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February

1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198

(February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:

**Chapter 31. Public Exposure of Assessments; Appeals**  
**§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings**

A. Assessment lists shall be open for public inspection each year for a period of 15 days, beginning no earlier than August 15 and ending no later than September 15, except in Orleans Parish, where the lists shall be open for public inspection August 1-August 15.

B. Each assessor shall publish the dates, time and place of the public exposure of the assessment lists of both real and personal property in a newspaper of general circulation in their respective parishes. Notice shall be published at least twice within a period of not sooner than 21 days nor later than seven days prior to the fifteenth calendar day period of exposure.

C. ...

D. Each assessor will make any determined changes to the assessment list during the public exposure period, and shall certify the assessment lists to the parish Board of Review within three business days of the final exposure date. The Orleans Parish Assessors shall certify their assessment lists to the Board of Review on or before the tenth business day after August 15.

E. Each assessor shall publish two notices of the parish's Board of Review appeal hearing dates in the local newspaper within a period of 21 and 7 days prior to the actual hearing date(s). Each assessor shall then notify the Tax Commission in writing of the Board of Review hearing date(s) and shall provide the commission with an affidavit executed by the local paper demonstrating proof of publication.

F. The Parish Police Jury or Parish Council shall sit as the Board of Review. The Board of Review shall convene hearings within 10 days of its receipt of the certified rolls. The Board of Review shall conduct hearings for all persons or their representatives desiring to be heard on the assessments of immovable and movable property. On the fifteenth day after the Board of Review shall have commenced the public hearings, the assessment lists, together with any changes in connection therewith, shall be certified and sent to the Tax Commission within three days, R.S. 47:1992.

G. The Board of Review has the authority to increase or decrease the assessment of immovable or movable property made by the assessor in accordance with the fair market or use value determination by the board. The validity of each assessment shall be determined on its own merits using recognized appraisal techniques, R.S. 47:1992(C).

H. In Orleans Parish, the procedure for review of assessments shall be as follows.

1. Each assessor shall prepare and make up the lists showing the assessment of immovable and movable property in and for his district; the lists shall be exposed daily, except Saturday, Sunday and legal holidays, for inspection by the taxpayers and other interested persons during the period

August 1 through August 15 of each year unless August 15 falls on a weekend or a legal holiday, when the period shall extend until the next business day. Each assessor shall give notice of such exposure for inspection in accordance with rules and regulations established by the Louisiana Tax Commission. On or before the tenth business day after August 15, the assessors shall certify their rolls to the Board of Review.

2. The Board of Review shall consider all written complaints which have been filed in compliance with the following procedure.

a. The complaint form provided by the board, through the office of the assessor, must be completed in conformity with the requirements of the Board of Review.

b. The complaint form must be received in the assessor's office within three business days after the last date on which the lists are exposed.

c. The form must be forwarded by the assessor and received by the Board of Review within seven business days after the last date on which the lists are exposed.

d. The taxpayer must have timely filed the reports as required by R.S. 47:2301 et seq. and R.S. 47:2321 et seq.

3. The Board of Review shall convene hearings on or before September 15. The board may create one or more hearing officers, any one of whom shall be a member of the Board of Review and who may conduct all required public hearings of the board with or without the presence of the other members, provided that no final action may be taken by such Board of Review unless a quorum is present. The board may make a determination to increase or decrease the assessment of real or personal property made by the assessor in accordance with the fair market or use valuation determined by the board.

4. The Board of Review shall certify the assessment list to the Louisiana Tax Commission on or before October 20 of each year.

I. The Board of Review, during its public hearing(s), shall have copies of the Louisiana Tax Commission appeal rules and regulations and Appeal Form 3103.A available for any assessor and/or taxpayer desiring to further appeal to the Tax Commission.

J. The Board of Review shall provide each appellant taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the assessment list to the Tax Commission.

K. The determination of the Board of Review shall be final unless appealed, in writing, to the Tax Commission within 10 business days after notice of the determination is postmarked or is delivered by hand to the taxpayer and/or to the assessor. Either or both parties may appeal the Board of Review decision to the Tax Commission.

**Form 3101**

**Exhibit A**

**Appeal to Board of Review by Taxpayer  
for Real and Personal Property**

Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_

Taxpayer

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Ward: \_\_\_\_\_ Assessment/Tax Bill Number: \_\_\_\_\_

Address or Legal Description of Property Being Appealed. (Also, please identify building by place of business for convenience of appraisal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my reports (if personal property) as required by law, and I have reviewed my assessment with my assessor.

The assessor has determined Fair Market Value of this property at:  
Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

I am requesting that the Fair Market Value of this property be fixed at:  
Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The assessor has determined assessment of this property at:  
Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

I am requesting that the assessment of this property be fixed at:  
Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\*NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time. I understand that I must provide the Board of Review with evidence of fair market value to support my claim.

I feel that the Fair Market Value of this property as of January 1, 20\_\_\_\_, the official reappraisal valuation date on which assessments are currently based, was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Please notify me of the date, place and time of my appeal at the address shown below.

NOTE: If appellant disputes Board of Review's decision, appellant may appeal to La. Tax Commission by completing and submitting Appeal Form 3103.A to LTC within 10 days of postal date of BOR's written determination. For further information, call LTC at (225) 925-7830

Appellant  
(Taxpayer/Taxpayer's Rep./Assessor)  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_  
\_\_\_\_\_  
Date of Appeal \_\_\_\_\_

Your request for review will be heard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. at \_\_\_\_\_

Company, Street Address, including Room Number

**AUTHORITY NOTE:** Promulgated in accordance with LSA-Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

**HISTORICAL NOTE:** Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:512 (March 2000), LR 30:492 (March 2004), LR 32:

**§3103. Appeals to the Louisiana Tax Commission**

A. The Louisiana Constitution provides that the correctness of assessments made by an assessor will be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law. La. Const. Article VII, Section 18(E).

B. An appeal to the Louisiana Tax Commission shall be filed with the commission within 10 business days after the Board of Review's written decision is postmarked or delivered by hand. In order to institute a proceeding before the commission, the taxpayer or assessor shall file Form

3103.A and, if applicable, Form 3103.B. The assessor shall confirm, in writing, to the Tax Commission that the Board of Review has issued a written determination to each taxpayer and to the assessor's office in the format required by §3101(J).

C. All initial filings to the Louisiana Tax Commission shall be filed with the Office of General Counsel. They shall be deemed filed only when actually received, in proper form. All filings shall be in the form of an original and seven copies.

D. In addition to the initial filing of Forms 3103.A and 3103.B, the taxpayer or assessor appealing the Board of Review decision shall attach a pleading containing the following, with a copy to the assessor or taxpayer, at least 10 days prior to the scheduled appeal hearings:

1. name under which the property is assessed;
2. description of the property;
3. determination of the Board of Review;
4. a prayer stating the type of relief, action or order desired by the pleader;
5. a list of exhibits presented to the Board of Review;
6. a list of witnesses who may be called, with a brief description of the anticipated testimony of the witness;
7. anticipated time needed to present the case; and,
8. an appraisal report using one or more of the three recognized appraisal techniques or other appropriate evidence concerning the fair market value of property.

E. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise prior to the hearing, for the purpose of formulating issues and considering:

1. simplification of issues;
2. a limitation, where possible of the number of witnesses;
3. the time required for presentations;
4. stipulations as to admissibility of exhibits;
5. submission of proposed findings of fact;
6. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

F. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the party, which has initiated the appeal to the commission. The statement shall be filed with the commission seven days prior to the scheduled hearing before the commission. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is disagreement together with a brief summary of the nature of the disagreement.

G. Upon written notice by the commission, the parties or their attorneys or other representative may be directed to file legal memorandums with the commission 15 days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

H. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by a

witness. The opposing party will be allowed to cross-examine and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

I. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, or through an attorney or other representative; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Appointment of Taxpayer Agent in Louisiana Tax Commission Ad Valorem Tax Appeal" (Form 3103.B).

J. Every taxpayer or assessor, witness, attorney or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer or assessor, witness, attorney or other representative may be excluded by the commission from any hearing for such period and upon such conditions as are just for violation of this rule.

K. All official hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

L. A continuance shall not be granted due to an unexcused absence of a taxpayer, assessor or any representative, attorney or witness, at the time and place set for a scheduled hearing before the commission, without consent of the taxpayer and/or assessor. If such consent is refused, the hearing shall proceed.

M. - T. ...

L.a. Tax Commission  
P. O. Box 66788  
Baton Rouge, LA 70896  
(225)925-7830 (B.R.)  
(504)568-5259(N.O.)

**Form 3103.A**  
**Exhibit A**  
**Appeal to Louisiana Tax Commission**  
**by Taxpayer or Assessor**  
**for Real and Personal Property**

Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_

Taxpayer

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Ward: \_\_\_\_\_ Asses./Tax Bill Number: \_\_\_\_\_ Board of Review Appeal Number: \_\_\_\_\_

(Attach copy of complete appeal submitted to the Board of Review)  
Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal.

\_\_\_\_\_

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my appeal as required by law.

The original Fair Market Value by the assessor was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The proposed Fair Market Value by the taxpayer was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The revised Fair Market Value by the Board of Review was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The original assessment by the assessor was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The proposed assessment by the taxpayer was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The revised assessment by the Board of Review was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\*NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value, which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller, under usual and ordinary circumstances, the highest price the property would bring on the open market, if exposed for sale for a reasonable time. I feel that the fair market value of this real property, as of January 1, 20\_\_\_\_, the official reappraisal valuation date on which assessments are based, was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\_\_\_\_\_  
Appellant(Taxpayer/Taxpayer's Rep./Assessor)

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Date of Appeal

\* \* \*

U. The taxpayer/taxpayer agent and the assessor shall be notified in writing, by certified mail of the final decision by the commission. The taxpayer or assessor shall have 30 days from receipt of the Order to appeal to a court of competent jurisdiction.

V. - X. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 30:492 (March 2004), LR 31:721 (March 2005), LR 32:

**§3105. Practice and Procedure for Public Service Properties Hearings**

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an appellant taxpayer. The appeal shall be filed within 30 days of the Public Service Section's dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3103.A and, if applicable Form 3103.B.

B. All filings shall be in the form of an original and seven copies.

C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

D. Ten days prior to said hearings, the protesting taxpayer shall file a signed, pleading (Form 3105.A), specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and four copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer\_\_\_\_\_" and shall be consecutively numbered. Legal memorandum submitted by

the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;
2. a limitation, where possible, of the number of witnesses;
3. possible consolidation of like protests;
4. the time required for presentations;
5. stipulations as to admissibility of exhibits;
6. submission of proposed findings of fact;
7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a

written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. The commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

N. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

O. Any evidence which would be admissible under the rules of evidence governing proceedings in the state of Louisiana, shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

Q. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

R. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written motion of the taxpayer showing that there is good cause for the issuance of same. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

S. The taxpayer/taxpayer agent and the assessor shall be notified in writing by certified mail of the final decision of the commission. The taxpayer or assessor shall have 30 days from receipt of the order to appeal to a court of competent jurisdiction.

T. The word "commission" as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

LTC Docket Number \_\_\_\_\_  
La. Tax Commission  
P.O. Box 66788  
Baton Rouge, LA 70896  
(225)925-7830 (B.R.)  
(504)568-5259 (N.O.)

**Form 3105.A**  
**Exhibit A**  
**Appeal to Louisiana Tax Commission**  
**by Taxpayer or Assessor**  
**for Public Service Property**

Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_  
Taxpayer

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Address or Legal Description of Property Being Appealed \_\_\_\_\_

I hereby appeal the decision of the Board of Review on the assessment of the above described property.

The Fair Market Value of the Louisiana Tax Commission is:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

I am requesting that the Fair Market Value be fixed at:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The assessment of the Louisiana Tax Commission is:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

I am requesting that the assessment be fixed at:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

I feel that the fair market value of this real property, as of January 1, 20\_\_\_\_, the official reappraisal valuation date on which assessments are currently based, was:

Land \$ \_\_\_\_\_ \*Improvement \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\_\_\_\_\_  
Appellant(Taxpayer/Taxpayer's Rep./Assessor)  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
\_\_\_\_\_  
Date of Appeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 30:492 (March 2004), LR 31:723 (March 2005), LR 32:

**Chapter 33. Financial Institutions**

**§3307. Methods of Branch Office Allocations**

A. - B.1. ...

C. Once an election is made by the institution, a change to the other alternative is permitted only upon prior, written approval of the Tax Commission. If such change is granted, the new allocation method shall remain in effect for a period of at least five years thereafter before another change request

will be considered, unless the commission permits a waiver of the five year requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 32:

**Chapter 35. Miscellaneous**

**§3501. Service Fees—Tax Commission**

A. - D. ...

1. The Louisiana Tax Commission Real/Personal Property Rules and Regulations manual can be found on the Commission website at www.latax.state.la.us. There is no charge levied for this service.

2. The Louisiana Tax Commission annually adopted updates and amendments to the Real/Personal Property Rules and Regulations manual can be found on the Commission website at www.latax.state.la.us. There is no charge levied for this service.

D.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 28:521 (March 2002), LR 30:493 (March 2004), LR 31:724 (March 2005), LR 32:

**§3503. Homestead Exemptions**

A. General Provisions

1. ...

2. The constitution exempts to the extent of \$7,500 of assessed value:

a. The bona fide homestead, consisting of a tract of land or two or more tracts of land, even if the land is classified and assessed at use value, with a residence on one tract and a field, with or without timber on it, pasture, or garden on the other tract or tracts, not exceeding 160 acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person or persons owning the property in indivision.

b. The same homestead exemption shall also fully apply to the primary residence including a mobile home which serves as a bona fide home and which is owned and occupied by any person or persons owning the property in indivision, regardless of whether the homeowner owns the land upon which the home or mobile home is sited; however, this homestead exemption shall not apply to the land upon which such primary residence is sited if the homeowner does not own the land.

c. The homestead exemption shall extend and apply fully to the surviving spouse or a former spouse when the homestead is occupied by the surviving spouse or a former spouse and title to it is in the name of:

- i. the surviving spouse as owner of any interest or either or both of the former spouses;
- ii. the surviving spouse as usufructuary; or
- iii. a testamentary trust established for the benefit of the surviving spouse and the descendants of the deceased

spouse or surviving spouse, but not to more than one homestead owned by either the husband or wife, or both.

d. The homestead exemption shall extend to property owned by an irrevocable trust when the principal beneficiary or beneficiaries of the trust are the settlor or settlors of the trust and were the immediate prior owners of the homestead, and the homestead is occupied as such by a principal beneficiary. The provisions of this Subparagraph shall apply only to property which qualified for the homestead exemption immediately prior to transfer, conveyance, or donation in trust, or which would have qualified for the homestead exemption if such property were not owned in trust.

e. The homestead exemption shall extend to property where the usufruct of the property has been granted to no more than two usufructuaries who were the immediate prior owners of the homestead and the homestead is occupied as such by a usufructuary. The provisions of this Subparagraph shall apply only to property which qualified for the homestead exemption immediately prior to the granting of such usufruct, or which would have qualified for the homestead exemption if such usufruct had not been granted.

3. The homestead exemption shall extend only to a natural person or persons and to an irrevocable trust created by a natural person or persons, in which the beneficiaries of the trust are a natural person or persons provided that the provisions of this Paragraph are otherwise satisfied.

4. Except as otherwise provided for in this Paragraph, the homestead exemption shall apply to property owned in indivision, but shall be limited to the pro rata ownership interest of that person or persons occupying the homestead. For example, a person owning a 50 percent interest in property would be entitled to a homestead exemption of \$3,750 of the property's assessed value provided such person occupies the home.

5. No homestead exemption shall be granted on bond for deed property. However, any homestead exemption granted prior to June 20, 2003, on any property occupied on December 7, 2004, by a buyer under a bond for deed contract shall remain valid as long as the circumstances giving rise to the exemption at the time the exemption was granted remains applicable.

6. In no event shall more than one homestead exemption extend or apply to any person in this state.

7. This exemption shall not extend to municipal taxes. However, the exemptions shall apply:

a. in Orleans Parish, to state, general city, school, levee, and levee district taxes; and

b. to any municipal taxes levied for school purposes.

8. Homestead exemptions are based upon the conditions of things existing on January 1 (August 1 in Orleans Parish) of each year.

9. Property owned by a partnership or corporation is not entitled to homestead exemption (Corporation: A.G.'s Opinion May 7, 1969, A.G.'s Opinion 1940-42, p. 4119; Partnership: A.G.'s Opinion 1936-38, p. 1044).

10. Purchase arrangement which does not transfer title does not give occupant entitlement to homestead exemption Lease/purchase: A.G.'s Opinion 1940-42, p. 4110, and p. 4115; A.G.'s Opinion 1942-44, p. 1679; Bond for Deed: A.G.'s Opinion No. 87-345, May 12, 1987).

B. The purpose of this section is to partially implement the provisions of Article VII, Section 20(B) of the Constitution of Louisiana relative to the providing of tax relief to residential lessees in order to provide equitable tax relief similar to that granted to homeowners through homestead exemptions.

1. A residential lessee is defined as a person who owns and occupies a residence, including mobile homes, but does not own the land upon which the residence is situated.

2. A residential lessee shall be entitled to a credit against any ad valorem tax imposed relative to the residence property, in an amount equal to the amount of tax applicable on property with an assessed valuation of \$7,500 or the actual amount of tax, whichever is less, provided the residential lessee is not otherwise entitled to the homestead exemption (R.S. 47:1710).

C. Residence

1. Only one homestead exemption can be claimed. (A.G.'s Opinion 1942-44, p. 1660, A.G.'s Opinion 1942-44, p. 1678, A.G.'s Opinion 1940-42, p. 4117).

2. - 8 ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), amended LR 17:611 (June 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:320 (February 1999), LR 32:

### **§3507. Claim for Taxes Paid in Error**

A. - A.2.d. ...

3. The person who presents the claim shall:

a. present proof of an erroneous payment by evidence such as a receipt or a canceled check issued in payment; and

b. present proof that he or she:

i. is the person who made the erroneous payment by evidence such as a receipt to the claimant, or a canceled check issued in payment; or

ii. is a bona fide representative of the person who made the erroneous payment by evidence such as proof of status of responsible employee or officer, or affidavit or contract of employment as attorney, accountant, or other representative; or, by proof of status as custodian, trustee, executor, or other legal capacity, or other showing of capacity of representative of the claimant; or

iii. has succeeded to or otherwise possesses the right to present the claim.

4. - 6. ...

7. A copy of the claim shall be forwarded to the assessor, and the assessor shall, within five business days after receipt thereof, advise the Tax Commission whether a refund is due to claimant using Form 3507.B. If the assessor advises the Tax Commission that a refund is due the

claimant, the Tax Commission shall duly examine the merits and correctness of each such claim, and shall make a determination thereon within 30 days of receipt of the claim.

8. - 9. ...

**Form 3507.A**  
**Claim for Refund or Credit**  
**of Taxes Paid in Error**

I. Claimant:  
Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

II. Property:  
Parish \_\_\_\_\_ District (If Orleans Parish) \_\_\_\_\_ Ward \_\_\_\_\_  
Assessment No. \_\_\_\_\_ Tax Bill No. \_\_\_\_\_  
Amount of Tax Paid in Error \_\_\_\_\_ Description of property: \_\_\_\_\_

III. Basis of Claim:  
Dual or multiple payment \_\_\_\_\_  
Payment on non-existent property \_\_\_\_\_  
Payment on property in which taxpayer no longer has an interest \_\_\_\_\_  
Property is eligible for homestead exemption \_\_\_\_\_  
Clerical error in assessment rolls \_\_\_\_\_  
Other \_\_\_\_\_

The following documents are attached to this form as proof of the basis for this claim:  
\_\_\_\_\_  
\_\_\_\_\_

IV. Proof of Payment:

The following proof of payment is attached:  
\_\_\_\_\_ Copy of canceled check(s) (both sides)  
\_\_\_\_\_ Receipt to the Claimant

V. Date of Erroneous Payment:

The following proof of payment is attached:  
\_\_\_\_\_ Copy of canceled check(s) (both sides)  
\_\_\_\_\_ Receipt to the Claimant  
\_\_\_\_\_ Other

VI. Standing

The following proof that the claimant is the person who made the erroneous payment, is a bona fide representative of the person who made the erroneous payment or has succeeded to or otherwise possesses the right to present the claim is attached:

\_\_\_\_\_ Receipt to Claimant or canceled check  
\_\_\_\_\_ Proof of status as responsible employee or officer  
\_\_\_\_\_ Affidavit or Contract of Employment as attorney, accountant or other representative, or  
\_\_\_\_\_ Other proof of status as legal representative of Claimant

VII. Signature: \_\_\_\_\_  
Property Owner/Authorized Agent

**Be Completed at Office of Louisiana Tax Commission**

Claim received, Date \_\_\_\_\_ Assessor consulted, Date \_\_\_\_\_  
Assessor's Response: Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ Date \_\_\_\_\_  
Other \_\_\_\_\_

Initial Response to Taxpayer  
Documentation requested \_\_\_\_\_ Date \_\_\_\_\_  
Received \_\_\_\_\_ Date \_\_\_\_\_

Decision  
Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_  
Reason for Denial \_\_\_\_\_  
Reason \_\_\_\_\_

Refund or Credit  
Property is eligible for homestead Yes \_\_\_\_\_ No \_\_\_\_\_  
Parish has alternative procedure Yes \_\_\_\_\_ No \_\_\_\_\_

**Form 3507.B**  
**Assessor Notification of**  
**Possible Claim for Refund or Credit**  
**for Taxes Paid in Error**  
**(To Be Completed by Assessor)**

Claimant:  
Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Property:  
Parish \_\_\_\_\_ District (If Orleans Parish) \_\_\_\_\_  
Ward \_\_\_\_\_ Assessment No. \_\_\_\_\_ Tax Bill No. \_\_\_\_\_

I have received and reviewed the Claim for Refund or Credit of Taxes Paid in Error (Form 3507.A) for the above referenced claimant and property. Based upon my review, I have determined that:

The claimant is due a refund or credit for taxes erroneously paid in the amount of \$ \_\_\_\_\_ due to (describe reason(s) for refund or credit) \_\_\_\_\_.

This property is \_\_\_\_\_ is not \_\_\_\_\_ eligible for the homestead exemption.

My parish does \_\_\_\_\_ does not \_\_\_\_\_ have an alternative procedure for providing for refunds of ad valorem taxes erroneously paid.

\_\_\_\_\_ No refund or credit for taxes erroneously paid is due. (Reason(s) for denial)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Assessor

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2108.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), amended LR 19:212 (February 1993), LR 20:198 (February 1994), LR 22:117 (February 1996), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 32:

Elizabeth L. Guglielmo  
Chairman

0512#062

**DECLARATION OF EMERGENCY**

**Department of Social Services**  
**Office of Community Services**

Developmental and Socialization Activities Program  
for Foster Children (LAC 67:V.3507)

The Department of Social Services (DSS), Office of Community Services (OCS), has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 5, Foster Care, Chapter 35, Payments, Reimbursements, and Expenditures, §3507, Developmental and Socialization Activities for Foster Children, to increase the maximum allowable expenditure amount from three hundred (\$300) to five hundred (\$500) dollars per child, per calendar year, effective December 1, 2005. This Emergency Rule shall remain in effect for a period of 120 days.

Emergency action is necessary in this matter due to Temporary Assistance To Needy Families (TANF) funds becoming available through a Memorandum of

Understanding (MOU) negotiated between the Office of Family Support (OFS) and the OCS effective October 1, 2005. Due to emergency relief and recovery efforts which required all OCS staff to assume increased duties and responsibilities following Hurricanes Katrina and Rita, this declaration is being made at this time.

This Emergency Rule allows access to the availability of TANF funds through the OFS, to reduce the incidence of out of wedlock pregnancies through the provision of appropriate developmental and socialization activities for foster children. The OCS will provide developmental and socialization activities and related items for children 6 through 17 years of age who are in the custody of the DSS. The provision of this service to foster children is related to the achievement of the TANF goal to reduce out-of-wedlock pregnancies. By providing appropriate developmental and socialization activities to improve self-esteem and appropriate peer interaction, foster children will have opportunities to learn and grow into mature adults who can provide safe and stable families for future generations.

**Title 67**

**SOCIAL SERVICES**

**Part V. Office of Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables, and Expenditures**

**§3507. Developmental and Socialization Activities for Foster Children Program**

A. The Department of Social Services, Office of Community Services will only provide for separate reimbursement or expenditure of the cost of organized developmental and socialization activities and related items for foster children 6 through 17 years of age who reside in a foster home setting, certified and non-certified. This reimbursement or expenditure for developmental and socialization activities and related items is separate from the board rate in order to improve self-esteem and appropriate peer interaction for foster children and to prevent out of wedlock pregnancies. The activities shall address specific areas of need such as building self-confidence, physical coordination, or improving appropriate peer interactions.

B. Eligibility is limited to foster children 6 through 17 years of age, who are in a foster home setting, certified or non-certified.

C. The maximum allowable amount for a child is limited to \$500 per calendar year based on the availability of TANF funding.

D. The allowable activities and related items must be purposefully planned by the foster care worker and the child's foster parent to meet a specific need that is addressed in the case plan for the child.

E. The allowable activities include such activities as summer camps; community organization/church/school sponsored trips; memberships in organizations such as Scouts or community sports teams and similar activities; and self-improvement or skill development classes such as music, art, dance, gymnastics, and swimming lessons. Musical instruments, supplies and safety devices or equipment, specialized clothing, and other related items required to participate in these activities are allowable for reimbursement or expenditure under this program as well as the activity.

AUTHORITY NOTE: Promulgated in accordance with 42 U. S. C. 601 et seq.; R.S. 46:231, R.S. 36:474, R.S. 36:476 and 477, and R.S. 46:51

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:484 (February 2005), amended LR:32:

Ann Silverberg Williamson  
Secretary

0512#045

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Community Services**

**Reimbursement Rates for Residential Facilities  
(LAC 67:V.3503)**

The Department of Social Services, Office of Community Services, adopts the following Emergency Rule amending the LAC 67:V.3503.A of the Foster Care Program as authorized by R.S. 46:153. This Emergency Rule is effective December 1, 2005 and shall remain in effect for 120 days or until the publication of the final Rule.

**Title 67**

**SOCIAL SERVICES**

**Part V. Office of Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and Expenditures**

**§3503. Reimbursement Rates for Residential Facilities**

A. Office of Community Services (OCS) will implement a competitive solicitation process as a means to select all private residential facility-based programs to serve foster children and to establish per diem rates for that residential service. The department's published Prospective Provider Procedure will be followed. The department may adjust the cycle for the competitive solicitation process when the appointing authority of the OCS determines that an emergency situation exists or other exigent circumstances require the adjustment of the cycle in order to facilitate the provision of appropriate services to children.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 26:1342 (June 2000), LR 27:735 (May 2001), LR 32:

Ann S. Williamson  
Secretary

0512#044

**DECLARATION OF EMERGENCY**

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

**2005 Commercial King Mackerel Season Closure**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and

the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department, by the commission in its resolution of January 4, 2005, to close the 2005 commercial king mackerel season in Louisiana state waters when he is informed that the designated portion of the commercial king mackerel quota for the Gulf of Mexico has been filled, or was projected to be filled, the Secretary hereby declares:

Effective 12 noon, November 17, 2005, the commercial fishery for king mackerel in Louisiana waters will close and remain closed through June 30, 2006. Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel within or without Louisiana waters. Effective with this closure, no person shall possess king mackerel in excess of a daily bag limit within or without Louisiana waters. The prohibition on sale/purchase of king mackerel during the closure does not apply to king mackerel that were legally harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor provided appropriate records in accordance with R.S. 56:306.5 and 56:306.6 are properly maintained.

The secretary has been notified by National Marine Fisheries Service that the commercial king mackerel season in Federal waters of the Gulf of Mexico will close at 12 noon November 17, 2005. Closing the season in state waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

Dwight Landreneau  
Secretary

0512#019

#### **DECLARATION OF EMERGENCY**

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

#### **2005 Fall Commercial Red Snapper Season Extension**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its resolution of January 4, 2005 to re-open the 2005 fall commercial red snapper season in Louisiana state waters if the commercial season dates in the Federal waters of the Gulf of Mexico have been modified, and that NMFS requests that the season be modified in Louisiana state waters, the secretary hereby declares:

The 2005 fall commercial red snapper season in Louisiana waters will be extended until 12 noon December 31, 2005 unless the secretary is informed by the Regional Administrator of the National Marine Fisheries Service that the season date in federal waters has been modified. Nothing herein shall preclude the legal harvest of red snapper by legally licensed commercial fishermen during the commercial season. Upon closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing red snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in Federal waters of the Gulf of Mexico will remain open until 12 noon December 31, 2005.

Dwight Landreneau  
Secretary

0512#075

#### **DECLARATION OF EMERGENCY**

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

#### **2005 Fall Inshore Shrimp Season Extension—Zone 1**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the department the powers, duties and authority to set seasons, and in accordance with a resolution adopted by the Wildlife and Fisheries Commission on August 4, 2005, which authorized the Secretary of the Department of Wildlife and Fisheries to change the closing dates of the 2005 Fall Shrimp Season if biological and technical data indicate the need to do so or if enforcement problems develop and to close all or parts of state inside and outside waters if significant numbers of small white shrimp are found in these waters, and to re-open these waters if significant numbers of marketable size shrimp are available for harvest, the Secretary of the Department of Wildlife and Fisheries does hereby declare that the 2005 fall inshore shrimp season in that portion of Shrimp Management Zone 1 extending north of the south shore of the Mississippi River Gulf Outlet, including Lake Pontchartrain and Lake Borgne, shall be extended until further notice. The open waters of Breton and Chandeleur Sounds as described by the double-rig line (LA R.S. 56:495.1(A)2) shall remain open until 6 a.m., March 31, 2006.

Dwight Landreneau  
Secretary

0512#073

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Commercial Tilefish Season Closure

The commercial season for the harvest of tilefishes in Louisiana state waters will close effective 12:01 a.m., November 21, 2005. The tilefish assemblage includes tilefish, goldface tilefish, blackline tilefish, anchor tilefish and blueline tilefish. The secretary has been informed that the commercial season for tilefishes in the federal waters of the Gulf of Mexico off the coast of Louisiana will close at 12:01 a.m., November 21, and will remain closed until 12:01 a.m. January 1, 2006.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the commission in its resolution of January 4, 2005, to modify opening and closing dates of 2005 commercial reef fish seasons in Louisiana state waters when he is informed by the Regional Director of the National Marine Fisheries Service that the seasons have been closed in adjacent federal waters, and that the NMFS requests that the season be modified in Louisiana State waters, the secretary hereby declares:

The commercial fishery for tilefishes in Louisiana waters will close at 12:01 a.m., November 21, 2005, and remain closed until 12:01 a.m., January 1, 2006. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell tilefishes whether within or without Louisiana waters. Effective with closure, no person shall possess tilefishes in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing tilefish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by National Marine Fisheries Service that the commercial tilefish season in Federal waters of the Gulf of Mexico will close at 12:01 a.m., November 21, and the season will remain closed until 12:01 a.m., January 1, 2006. Having compatible season regulations in state waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

Dwight Landreneau  
Secretary

0512#031

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Oyster Season Opening

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:967(D), and under the authority of R.S. 56:433(B)1 which provides that the Wildlife and Fisheries Commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the Department, and a Resolution adopted by the Wildlife and Fisheries Commission on August 4, 2005, which authorized the Secretary of the Department of Wildlife and Fisheries to take emergency action if necessary to reopen areas previously closed if the threat to the resource has ended, the secretary hereby declares:

The oyster season in the following areas shall occur as follows.

1. The public oyster seed grounds located east of the Mississippi River as described in Louisiana Administrative Code (LAC) 76:VII.511 shall open at one-half hour before sunrise on Monday, December 12, 2005 and shall close at one-half hour after sunset on Friday, December 23, 2005.

2. The Bay Gardene Public Oyster Seed Reservation as described in Louisiana Revised Statutes (R.S.) 56:434.E shall open at one-half hour before sunrise on Monday, December 12, 2005, and shall close at one-half hour after sunset on Friday, December 23, 2005.

3. The Lake Borgne Public Oyster Seed Grounds as described in LAC 76:VII.513 shall open at one-half hour before sunrise on Monday, December 12, 2005, and shall close at one-half hour after sunset on Friday, December 23, 2005.

4. The Hackberry Bay Public Oyster Seed Reservation as described in R.S. 56:434.E shall open at one-half hour before sunrise on Monday, December 12, 2005, and shall close at one-half hour after sunset on Friday, December 23, 2005, except the 2004 cultch plants within the coordinates described below which shall open on Monday, December 12, 2005, and shall close on Wednesday, December 14, 2005:

#### **Hackberry Bay North Cultch Plant**

- a. 29 degrees 25 minutes 05.03 seconds N  
90 degrees 01 minutes 57.01 seconds W
- b. 29 degrees 25 minutes 00.39 seconds N  
90 degrees 01 minutes 58.34 seconds W
- c. 29 degrees 24 minutes 58.22 seconds N  
90 degrees 01 minutes 48.45 seconds W
- d. 29 degrees 25 minutes 02.86 seconds N  
90 degrees 01 minutes 47.12 seconds W

#### **Hackberry Bay South Cultch Plant**

- a. 29 degrees 23 minutes 20.15 seconds N  
90 degrees 03 minutes 14.15 seconds W

- b. 29 degrees 23 minutes 24.01 seconds N  
90 degrees 03 minutes 05.55 seconds W
- c. 29 degrees 23 minutes 12.77 seconds N  
90 degrees 02 minutes 58.98 seconds W
- d. 29 degrees 23 minutes 08.92 seconds N  
90 degrees 03 minutes 07.58 seconds W

5. The Barataria Bay, Deep Lake, Lake Chien, and Lake Felicity, and Lake Tambour Public Oyster Seed Grounds as described in LAC 76:VII.517 shall open at one-half hour before sunrise on Monday, December 12, 2005, and shall close at one-half hour after sunset on Friday, December 14, 2005.

Despite hurricane-related impacts to the public oyster areas, harvestable quantities of oysters continue to exist and have been noted during recent biological sampling. In addition, oyster spat growth has occurred during the recent season delay allowing those spat to better withstand harvest-related and natural stressors.

Dwight Landreneau  
Secretary

0512#116

# Rules

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 113—Louisiana's Reading and Language Competencies for Teachers (LAC 28:XCV.111)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 113—Louisiana's Reading and Language Competencies for New Teachers*. The changes more clearly define the reading competencies to be addressed in the courses required by BESE for certification, including but not limited to the reading courses required in R.S. 17:7.1.

The current Chapter 1, Foundational Concepts—Strand A is being moved to Chapter 2 to allow for placement of new introductory text. These changes align Louisiana's reading instruction more closely with principles of Scientifically Based Reading Research as required by Title I—Improving the Academic Achievement of the Disadvantaged: Section 1001.Statement of Purpose.

"The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. This purpose can be accomplished by-

"(1). Ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement.

"(9). Promoting schoolwide reform and ensuring that access of children to effective, scientifically based instructional strategies and challenging academic content."

#### Title 28

#### EDUCATION

#### Part XCV. Bulletin 113—Louisiana's Reading and Language Competencies for Teachers

NOTE: The current Chapter 1, Foundational Concepts—Strand A is being moved to Chapter 2 to allow for placement of new introductory text.

#### Chapter 1. Introduction

#### §111. Reading and Language Competencies

A. During spring 2002, the Governor's Office, Board of Regents, State Board of Elementary and Secondary Education, and Louisiana Department of Education submitted a proposal to the National Governor's Association to participate in a Literacy Institute at Harvard University. Louisiana was one of five states selected to send a team of 20 state, district, and university leaders to participate in a one-week institute during August 2002. In conjunction with the institute, the state made a commitment to have Louisiana's Harvard Literacy Team develop a set of Reading and Language Competencies for use within university

settings when preparing teacher candidates to work with PK-12 students. An awareness existed that it would be difficult to help teachers expand upon their pre-service knowledge and skills for reading and language if consensus did not exist regarding the required knowledge and skills for teachers in the area of reading and language.

B. Louisiana's Harvard Literacy Team met on five occasions during fall 2002 and spring 2003. After extensive discussions pertaining to appropriate competencies, a decision was made to adapt a document developed by Louisa C. Moats entitled *A Blueprint for Professional Development of Teachers of Reading: Knowledge, Skills, and Learning Activities* and combine elements of the document with the NCATE Standards for reading professionals and other state documents. By doing so, the five components of effective reading programs as defined in the National Reading Panel (2000) could be fully addressed as well as expectations for NCATE accreditation, Louisiana's K-12 English Language Arts standards, and Louisiana's K-12 Grade Level Expectations for Reading and Language Arts. Louisiana's Harvard Literacy Team then identified knowledge and disposition statements that would address the following eight strands:

1. Foundational Concepts;
2. Assessment;
3. Phonemic Awareness and Letter Knowledge;
4. Phonics and Word Recognition;
5. Fluent, Automatic Reading of Text;
6. Vocabulary;
7. Text Comprehension;
8. Spelling and Writing.

C. All universities with approved Teacher Preparation Units shall address Louisiana's Reading and Language Competencies for Teachers in each of the teacher preparation programs offered by the university. These competencies shall be addressed in the courses required by BESE for certification, including but not limited to the reading courses required in R.S. 17:7.1. Additionally, in teacher preparation programs that prepare candidates for certification in any grades K-3, teacher candidates shall be instructed in the administration, interpretation, and use of the scientifically-based reading assessments adopted by BESE (e.g.; Dynamic Indicators of Basic Early Literacy Skills).

D. During Spring 2005, the State Board of Elementary and Secondary Education shall require the Louisiana Department of Education to prepare and disseminate to all universities submission guidelines for an alignment study of the degree to which universities are addressing the Reading and Language Competencies contained in this bulletin and assessing their students' attainment of the competencies in each of their teacher preparation programs. Submission requirements shall include an alignment matrix for each teacher preparation program offered, course syllabi, and instructional and assessment materials for each course in which a competency is addressed, as well additional documentation as determined by the Louisiana Department of Education. Universities shall be required to submit the

required alignment matrix for each teacher preparation program offered, showing the alignment of each program to the Reading and Language Competencies and rubrics based on certification levels for the programs in Fall 2005.

E. The Louisiana Department of Education shall oversee a review of the materials submitted to determine the alignment of the courses in these programs to scientifically based reading research as delineated through the Reading and Language Competencies. The department shall produce a report regarding this alignment and shall submit this report to BESE no later than January 2006. Based on this report, BESE shall take action with regard to individual universities and deficiencies regarding alignment to the competencies noted in the report, if any. Such action shall include, but not be limited to, a corrective action plan to address the deficiencies, resubmission of the program for approval of the specific courses in question, or withdrawal of program approval. The report shall also be made public via the Louisiana Department of Education's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A) (10) et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3065 (December 2005).

Weegie Peabody  
Executive Director

0512#003

## RULE

### Board of Elementary and Secondary Education Adult Education Services

Bulletin 120—Adult Education Data Quality and Procedures  
(LAC 28: CXVII. Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 120—Adult Education Data Quality and Procedures*. Bulletin 120 will be printed in codified format as Part CXVII of the Louisiana Administrative Code. *The Louisiana Adult Education Data Quality and Procedures* has been developed to assist local adult education programs with the processes of gathering, inputting, and reporting data on adult education program performance. The bulletin provides written policies and procedures for the assessment of adult education students by adult education programs funded by the Louisiana Department of Education. The Louisiana Adult Education Data Quality and Procedures has been developed to meet the USDE National Reporting System for Adult Education requirement that all states have written policies and procedures for the assessment of adult education students.

#### Title 28

#### EDUCATION

### Part CXVII. Bulletin 120—Adult Education Data Quality and Procedures

#### Chapter 1. General Provisions

##### §101. Introduction

A. The Louisiana Department of Education, Division of Family, Career and Technical Education developed *Bulletin 120—Adult Education Data Quality and Procedures* to

assist local adult education programs in meeting the reporting requirements of the National Reporting System (NRS) for Adult Education. This bulletin is designed to:

1. assist local adult education programs with the processes of gathering student data;
2. inputting data into the LiteracyPro system;
3. reporting data on program performance; and
4. reviewing data to plan for and facilitate program improvement.

B. This Part CXVII is applicable to all local adult and family literacy programs which are funded through the Louisiana Department of Education. This Part CXVII is in compliance with NRS requirements, which is the official accountability system for federally funded adult education programs. NRS reporting components include:

1. student assessment measures;
2. data collection methodologies;
3. reporting forms; and
4. program procedures.

C. The Louisiana Department of Education, Division of Family, Career and Technical Education and the National Reporting System for Adult Education are committed to assisting local adult education programs in improving the quality and utility of program data. Questions regarding this bulletin or this Part CXVII should be directed to the Louisiana Department of Education, Division of Family, Career and Technical Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005).

#### Chapter 3. Assessment and Student Placement

##### §301. Standardized Assessments

A. NRS policies require local adult education programs to assess and place students at an educational functioning level (EFL) upon intake and at least one other time during the program year. Standardized assessments used to place students or demonstrate educational growth must be both valid and normed for adult students. The initial assessments are to be administered at intake or within a short period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005).

##### §303. Approved Assessments

A. The Louisiana Department of Education has approved certain assessments, which are aligned with educational functioning levels within NRS to measure student level and growth. Only assessments on this list may be used to determine student placement upon intake or demonstrate educational growth: No other assessments are to be used by local programs for placement purposes or to demonstrate educational growth at an educational functioning level.

B. Assessments for Adult Basic Education and Adult Secondary Students:

1. Test of Adult Basic Education (TABE);
2. Adult Measure of Essential Skills (AMES);
3. Comprehensive Adult Student Assessment System (CASAS);

4. WorkKeys (to be used at the Adult Secondary Education educational functioning levels only).

C. Assessments for English-as-a-Second Language Students:

1. Basic English Skills Test (BEST) and BEST Plus;
2. Comprehensive Adult Student Assessment System (CASAS);
3. Student Performance Levels (SPL).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005).

### §305. Placement in an Educational Functioning Level

A. Upon administration of an approved assessment, local programs are to place students at an educational functioning level. Charts developed from the *NRS Implementation Guidelines* are used for determining the appropriate EFL for a student. These charts are included in the instructor manual pertaining to this Part CXVII.

B. A student may be assigned to an EFL based upon the descriptors on the charts in the instructor manual pertaining to this Part CXVII, but growth can only be shown through the administration of an approved pre-test and post-test or by passing the GED test. A student who passes the GED may be given credit for completing the High Adult Secondary (ASE) level. This is the only method to show completion of this level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005).

### §307. Follow-up Assessments

A. NRS reporting policies state that programs use a different form of the same test for the follow-up (post-test) assessment for a student. Both the pre-test and post-test shall be administered and scored according to the test directions provided by the publisher. Post-tests shall be administered after the student has:

1. attended for 50 hours; or
2. been enrolled for 90 days; or
3. has completed an Individualized Prescription of Instruction (IPI) for the area being used for NRS reporting purposes. The subject area (math, reading or language) being used for NRS reporting purposes is the lowest score from the pre-test.

B. The department's goal for the percentage of students tested is 40 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005).

### §309. Special Populations

A. Assessments for special populations are administered with appropriate accommodations as specified by the publisher of the approved assessment. Accommodations for the administration of assessments shall be based on copies of the student's IEP or 504 plan. Placement at an EFL level for special populations may be by the descriptors for each level.

B. Accommodations for approved assessments will likely differ from accommodations for the GED test. There are two types of disabilities, learning and physical, which are

applicable to students registered for the GED test. Disabilities must be documented on an appropriate form, which are available from a GED chief examiner. Although a student may receive accommodations for assessments for placement or to measure growth by a local program, this does not guarantee or imply that the same accommodations will be appropriate or provided for the GED test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005).

## Chapter 5. Adult Education Core Measures

### §501. NRS Core and Secondary Measures

A. NRS measures include both core measures and secondary measures. NRS core measures apply to all adult education students. There are three types of core measures:

1. outcome measures, which include:
  - a. educational gain;
  - b. entered employment;
  - c. retained employment;
  - d. receipt of secondary school diploma or GED; and
  - e. placement in postsecondary education or training;
2. descriptive measures, including:
  - a. student demographics;
  - b. reasons for attending and student status; and
3. participation measures of contact hours received and enrollment in instructional programs for special populations or topics (such as family literacy or workplace literacy).

B. NRS secondary measures include additional outcome measures related to employment, family and community that adult education stakeholders believe are important to understanding and evaluating adult education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005).

### §503. Reporting Core Measures

A. NRS policies mandate that all local adult education programs must report core measures. Educational gains are calculated on all learners in the program year, July 1–June 30. Core measures which must be reported include:

1. Educational Gains that are in relation to the student's EFL in reading, writing, speaking and listening, and functional areas. This measure applies to all students;
2. *Entered Employment*—students who obtain a job by the end of the first quarter after exit quarter. This measure applies to students who have set this as a goal\*;
3. *Retained Employment*—students who remain employed in the third quarter after program exit. This measure applies to students who have set this as a goal\*;
4. *Receipt of Secondary School Diploma or GED*—students who obtain a GED, secondary school diploma or recognized equivalent. This measure applies to students who have set this as a goal\*;
5. *Placement in Postsecondary Education or Training*—a learner who enrolls in a postsecondary educational or occupational skills program, building on prior services or training received. This measure applies to students who have set this as a goal.\*

\*Data-matching is used for these goals to measure program outcome.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005).

**§505. Student Goal Setting for Core Measures**

A. Adult learners enter adult education programs for any number of reasons, which are reflective of the student' educational, vocational, and personals goals. The goal setting process occurs at intake and is intended to define the areas to focus instruction and learning. Student goals serve to provide a basis to measure student and program performance, and thus it is imperative that goals be both attainable and measurable.

B. NRS policies state that goals set by learners will be measured at the end of the program year and that goals must be attainable within that program year. If the goal is not attainable within the year, it shall not be entered as the NRS goal but as a long-term goal of the learner. When the student's skills have improved to a level at which attainment of the goal would be feasible within the fiscal year, the long-term goal shall be entered as a goal for that year.

C. Goals will be reviewed upon reassessment of the student and updated accordingly. It is the role of the adult education instructor or coordinator to provide students with guidance on how to set and work toward meeting learning goals. Adult education instructors and coordinators will discuss with students the time frame to meet goals and discuss accessible resources for working toward the goal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005).

**§507. Data Matching**

A. The state of Louisiana uses data matching as the methodology to follow up on NRS core measures. The Social Security Number (SSN) of the learner will be used to match data with Louisiana Department of Labor (LDOL) employment records and other records used in developing the WIA scorecard by the Department of Labor.

B. The SSN of the individual student is used by the LDOL only to search records and is not released by LDOL to any other third party individual or agency. Data is reported in aggregate format without any individual identifiable information. Accurate Social Security Numbers are critical to the success of the data matching process. Local programs are responsible for checking enrollment forms for missing or invalid SSNs and are prohibited from "making up" a SSN for a student. If a student fails to provide his/her SSN, local programs should follow up with the student to obtain the SSN. A student may refuse to provide his/her SSN to a local program; however, local program personnel will explain how this information is used and its importance in demonstrating program performance.

C. Upon completion of the data-matching process, LDOL provides the Department of Education with a list of students who achieved the specified outcomes and these outcomes are reported back to local programs. The data-matching process specifically tracks those students who set employment as a goal, but also matches all students in the database for the core measures. This process allows

programs to know which students met their specified goal(s) and those who have achieved other outcomes while enrolled in the program. These outcomes are to be entered as an achievement in the LiteracyPro System, not as a goal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005).

**Chapter 7. Data Reporting**

**§701. Data Accuracy and Entry**

A. The following data must be entered by local programs in order to ensure that the National Reporting System provides valid and accurate data. Data entry errors, which go uncorrected, often do not reflect the progress of the student or the program, and often affect funding for local programs. Timely review of data assists in ensuring its accuracy and adherence to programmatic guidelines. The following represents Louisiana Department of Education data collection and entry policies as well as common data entry errors.

Data	Entry Guidelines
Social Security Number	1. Enter the learner's real Social Security Number. 2. Enter the alien identification number if ESL students do not have a Social Security Number.
Contact Information	1. Enter as many phone numbers that are available for the student (e.g., home, work, etc.). 2. Enter a complete mailing address including a number, street, apartment (if applicable), town and zip code. 3. Use the learner's parish of residence (not where the program is located).
Enrollment Status	1. Enter the learner's status: enrolled, active, or left. *A learner shall be separated and his/her status changed to left after nonattendance for 90 days according to NRS policies.
Attendance	1. Attendance must be recorded daily on sign-in sheets. It is recommended that attendance be entered on a weekly basis. *Attendance hours are counted for instruction or instructional activities. Instructional activities include classroom instruction, assessment, tutoring or participation in a learning lab. Virtual or on-line attendance hours may be recorded only if the center can provide authentic documentation of the hours of instruction.
Test Scores	1. Enter test results (pre-test or post-test) upon completion of approved assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005).

**§703. Quarterly Reporting**

A. The Louisiana Department of Education, Division of Family, Career and Technical Education requires that local programs submit data for each quarter during a program year. City or parish supervisors or program directors are responsible for timely submission of local program data and ensuring its accuracy. Department of Education staff will review data for errors and contact supervisors or program directors to discuss needed corrections to local program data.

Local program data is reported quarterly on the twenty-sixth day of January, April, July, and October.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005).

**§705. LiteracyPro Data System**

A. The Louisiana Department of Education mandates that adult education programs, which it funds, must use the LiteracyPro System, Inc.—Adult Education Data System. Local programs are responsible for covering the costs of implementing and maintaining the LiteracyPro System with a portion of their local grant funds. Staff from the Louisiana Department of Education and staff from LiteracyPro are committed to improving data quality by providing professional development workshops each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3069 (December 2005).

**§707. Resolving Data Analysis Problems and Deviations**

A. Upon receipt of data submitted by local programs, the Louisiana Department of Education, Division of Family, Career and Technical Education staff review program data quarterly for errors. It is the responsibility of the local program supervisor or director to conduct the initial review of the data, using the diagnostic features of the LiteracyPro System and other instructions provided by department staff. The initial review of data shall be conducted prior to the quarterly submission of data to the Louisiana Department of Education.

B. Upon receipt of local program data, department staff shall run the diagnostic features of the Literacy Pro System to search again for common and obvious data errors, such as invalid attendance dates, birthdates, and/or Social Security Numbers. Staff further reviews data using other searches to determine if additional data analysis problems and deviations exist. Department staff shall send a report to local program supervisors or directors detailing any data analysis problems or deviations. It is the responsibility of local program supervisors and directors to correct any data analysis problems or deviations within two weeks of notification of such problems by department staff.

C. Data analysis problems or deviations must be corrected to accurately reflect student progress, evaluate program success and determine future funding. Local program supervisors or directors must sign the data extract each quarter upon submission and acceptance of data by department staff. The signed program extract confirms that the local program supervisor or director states that the data is correct to the best of his/her knowledge, the local program has adhered to Department of Education data guidelines, and data has been reviewed for errors prior to quarterly submission. The data reflected in the signed extract is used to determine subsequent year funding and serves as the record of program performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3069 (December 2005).

Weegie Peabody  
Executive Director

0512#004

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Course Code Changes for Carnegie Units (LAC 28: CXV.2333, 2355, 2364 and 2369)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators* (LAC 28, Part Number CXV). The proposed special education course codes will allow students with disabilities and gifted and talented students to earn Carnegie units and it will allow districts to track the courses in which the students are enrolled. Based on an expressed need from the Local Education Agencies and an analysis of the special education course codes, revisions were needed to provide an appropriate curriculum for students with exceptionalities.

**Title 28**

**EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction**

**§2333. Art**

A. Art course offerings shall be as follows.

Course Title(s)	Units
Art I, II, III, IV	1 each
Talented Art I, II, III, IV	1 each

B. Art I is a prerequisite to Art II and Art III.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3069 (December 2005).

**§2355. Music**

A. The music course offerings shall be as follows.

Course Title(s)	Units
Applied Music	1
Beginning Band	1
Beginning Choir	1
Sectional Rehearsal	1
Studio Piano I, II, III	1 each
Advanced Band	1
Advanced Choir	1
Advanced Orchestra	1
Small Vocal Ensemble	1
Wind Ensemble	1
Jazz Ensemble	1
Talented Music I, II, III, IV	1 each

B. Advanced Choir, Advanced Band, Advanced Orchestra, Small Vocal Ensemble, Wind Ensemble, Applied Music, Jazz Ensemble, and Studio Piano III are performance classes with new literature each year; they may be repeated more than once.

C. Approval by DOE is required before private piano and studio strings instruction can be given for credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3069 (December 2005).

**§2364. Special Education**

A. The special education course offerings shall be as follows.

Course Title(s)	Units
Study Skills I, II, III, IV	1 each
Transition I, II, III, IV	1 each
Gifted Independent Research I, II, III, IV	1 each
Gifted College and Career Choices	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3070 (December 2005).

**§2369. Theatre Arts**

A. The theatre arts course offerings shall be as follows.

Course Title(s)	Units
Theatre I	1
Advanced Theatre	1
Talented Theater I, II, III, IV	1 each

B. Advanced Theatre is a performance class with new literature each year; it may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3070 (December 2005)

Weegie Peabody  
Executive Director

0512#005

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum Standards (LAC 28: CXV.2301)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators* (LAC 28: CXV). R.S. 17:24.4 requires BESE and the Department of Education to develop statewide curriculum standards for required subjects. The recent approval of the Grade-Level Expectations marks the first major revision to Louisiana content standards documents since 1997. This policy change revision to Bulletin 741 establishes a timeline for the revision of content

standards. This revision to the BESE policy will ensure that content standards are reviewed and revised on a regular basis.

**Title 28  
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction  
§2301. Standards and Curriculum**

A. - B. ...

C. The Louisiana content standards shall be subject to regular review and revision to maintain rigor and high expectations for teaching and learning. Such review of each content area shall occur at least once every seven years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 31:3070 (December 2005).

Weegie Peabody  
Executive Director

0512#006

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—High School Graduation Requirements (LAC 28: CXV.2319)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators* (LAC Part Number CXV). The addition of Chapter 23. Curriculum and Instruction, §2319. High School Graduation Requirements, is to meet established guidelines for a waiver for students with disabilities who have earned the required 23 Carnegie units and have passed two of the three required components of the GEE in order to earn a high school diploma. Many students with disabilities were able to earn the required 23 Carnegie units needed for a high school diploma. These students were able to pass two, but not all three, components of the GEE due to their disability. In many instances it was the disability that significantly impacted the students' ability to pass the final required GEE component, thus denying the students a high school diploma. The waiver of the final component of the GEE will allow the students with disabilities to earn a high school diploma.

**Title 28  
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction.  
§2319. High School Graduation Requirements.**

A. - A.1. ...

B. In addition to completing a minimum of 23 Carnegie credits, students must pass the English language arts and mathematics components of the GEE and either the science or social studies portions of the GEE to earn a standard high school diploma. For students with disabilities who have

passed two of the three required components of the GEE and have exhausted all opportunities available through the end of the 12th grade to pass the remaining required GEE component, that GEE component may be waived by the Superintendent of Education if the Department of Education determines the student's disability significantly impacts their ability to pass the final required GEE component.

B.1. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:3070 (December 2005).

Weegie Peabody  
Executive Director

0512#007

## RULE

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Private Summer School Providers (LAC 28: CXV.2504)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators* (LAC Title 28, Part Number CXV). These revisions will allow districts to let students attend summer school from private providers if the summer school applications from the private provider are approved by the district. Districts must ensure that the private provider meets the policy requirements and send the application to the department. The requirements in policy are similar to the requirements for public elementary and secondary summer school programs. Some districts are not able to offer regular summer school due to the commitment of teachers and resources to summer programs for LEAP and GEE remediation. Students needing summer school for the removal of deficiencies have had to find summer schools in neighboring districts or nonpublic schools.

#### Title 28

#### EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 25. Summer Schools, Special Ed Extended School Year Programs

#### §2504. Private Summer School Providers

A. Any LEA may approve private summer school providers if the provider and the LEA adhere to the standards listed below.

B. The LEA shall submit an application to the DOE for the summer school administered by the private provider.

1. An application for each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

2. The application forms provided by the DOE shall be submitted to the Director of Student Standards and Assessments.

3. The application shall be approved by the superintendent of the LEA.

4. The DOE shall verify that the information in the application meets the standards listed below.

5. An on-site evaluation of each summer school program shall be made by personnel from the DOE to verify information submitted on the report, to evaluate the quality of the instructional program, and to approve its acceptance by the LEA.

C. Summer school programs shall have a certified principal.

D. Teachers employed to teach summer school shall hold a standard A, B, or C teaching certificate in the subject area or areas of teaching.

E. The library/media center or library books as well as all regular teaching aids and equipment shall be available for summer school use.

F. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

1. Textbooks used during the summer school shall be chosen from the DOE-approved list.

#### G. Elementary Summer School Programs

1. The purpose of summer school shall be to enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.

2. Each teacher shall teach only one subject for removal of deficiencies during a single period.

3. A student attending summer school for promotional purposes shall not enroll for more than two subjects.

4. The minimum attendance for all elementary students to receive credit or pass a subject shall be 60 hours for one subject unless the LEA imposes a stricter attendance policy.

5. Elementary summer schools shall offer a minimum of 70 hours of instruction per subject for removal of deficiencies.

6. Students attending summer school for promotional purposes shall have written consent by the principal of the last school they attended.

7. The class size shall not exceed 20 students per teacher, per subject in a regular summer school.

#### H. Secondary Summer School Programs

1. The purpose of summer school shall be to enable students to schedule courses to enrich their experiences or take new subjects and to enable students who have failed in subjects to remove deficiencies.

2. No teacher shall be allowed to teach more than two subjects during one period of time.

3. Summer schools shall offer 90 hours of instruction for 1/2 unit of new credit, 180 hours for one unit of new credit, 60 hours of instruction for 1/2 unit of repeat credit, and 120 hours for one unit of repeat credit.

4. In order to be eligible to receive credit, summer school students shall be in attendance a minimum of 70 hours for 1/2 unit of new credit, 140 hours for 1 unit of new credit, 47 hours for 1/2 unit of repeat credit, and 94 hours for one unit of repeat credit.

5. The teaching load and class size shall not exceed that of a regular school session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3071 (December 2005).

Weegie Peabody  
Executive Director

0512#008

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Social Studies Graduation Requirement (LAC 28: CXV.2319 and 2363)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators* (LAC Title 28, Part Number CXV). The Advanced Placement Program (AP), sponsored by the College Board, allows high school students to take college-level courses and exams, and to earn college credit or placement while still in high school. These policy revisions will allow two AP courses to meet graduation requirements. The revisions will add AP European History to the list of courses meeting graduation requirements in Social Studies and will allow AP American Government to meet the Civics requirement for graduation. AP American Government is a one-credit course and Civics is a one-half credit course.

**Title 28  
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction  
§2319. High School Graduation Requirements**

A. - D. ...

E. Minimum Course Requirements for High School Graduation

***	
<b>Social Studies</b>	<b>3 units</b>
Shall be American History, one-half unit of Civics or one unit of AP American Government, one-half unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History	
***	

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:3072 (December 2005).

**§2363. Social Studies**

A. Three units of Social Studies shall be required for graduation. They shall be American History; 1/2 unit of Civics or one unit of AP American Government, and 1/2 unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History.

B. The Social Studies course offerings shall be as follows.

Course Title(s)	Units
American Government	1
American History	1
Civics	1
Economics	1
Free Enterprise	1/2
Law Studies	1
Psychology	1
Sociology	1
AP European History	1

C. Economics may be taught by a teacher certified in business education.

D. Free Enterprise shall include instruction in personal finance. Such instruction shall included but shall not be limited to the following components:

1. income;
2. money management;
3. spending and credit;
4. savings and investing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005).

Weegie Peabody  
Executive Director

0512#010

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Programs of Study (LAC 28:LXXIX.Chapters 1-31)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*. These changes include additions to Programs of Study, revisions based on legislation, and revisions to summer school policy. These changes are intended to correct numbering errors in the previous revision and to align the bulletin with recent changes in public school policy.

**Title 28  
EDUCATION**

**Part LXXIX. Louisiana Handbook for Nonpublic School Administrators**

**Chapter 1. Operation and Administration**

**§101. General Authority**

A. The nonpublic school board or governing body shall pass a resolution establishing the nonpublic school and setting forth its goals and objectives.

B. Nonpublic schools are designed to meet the needs of a specific group of students. Each nonpublic school will evaluate itself on the basis of its stated goals and objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3072 (December 2005).

### **§103. School Administration**

A. The educational program shall be designed to implement the stated goals and objectives and shall be directly related to the unique educational requirements of its student body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005).

### **§105. Philosophy and Purposes of School**

A. Each nonpublic school shall develop and maintain a written statement of its philosophy and/or mission statement and the major purposes to be served by its program. The statement shall reflect the individual character of the school and the characteristics and needs of the students it serves.

B. The statement of philosophy and/or mission statement shall be reviewed annually and shall be revised as necessary.

C. Written evidence that these requirements are being met shall be on file.

D. Copies of the philosophy and/or mission statement shall be furnished to all staff members and made available to interested persons on request.

E. Each school shall maintain on the file the following:

1. written statement of philosophy and/or mission statement;
2. goals and objectives for the current year; and
3. plan for implementation of these goals and objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005).

### **§107. School Approval**

A. In order to benefit from state and federal funds, each school shall have a state approval classification and shall be in compliance with *Brumfield vs. Dodd*.

B. Each state-approved nonpublic school receiving state and/or federal funds shall permit all colleges, universities and branches of the military to have equal access to the schools for the purpose of college recruitment.

C. When applying to the State Department of Education for a classification category, all nonpublic schools seeking state approval shall include all grades/programs taught at the school.

1. Classification Categories. Schools shall be classified according to the following categories.

a. Approved (A)—school meets all standards specified in Standards for Approval of Nonpublic Schools.

b. Provisionally Approved (PA)—school has some deficiencies in standards, such as: class size and number(s) of the faculty teaching in an area of which qualifications specified are not met, etc.

c. Probationally Approved (P)—school has one or more of the following deviations from standards:

- i. principal does not hold a master's degree or principalship certification;

ii. non-degreed teacher with fewer than five years teaching experience is employed;

iii. school has been on provisional approval for the previous two years for the same deficiency.

d. Unapproved (U)—school maintains any of the above-mentioned deviations from standards which placed it in the probationally approved category the preceding year. A school may not maintain a probationally approved category for two consecutive years. A school which loses annual school approval shall become ineligible for state and federal funding.

D. The Department of Education shall submit to the SBESE a yearly report recommending the classification status of the nonpublic schools in accordance with the nonpublic school standards.

E. After the Annual School Reports are submitted by the State Department of Education to the State Board of Elementary and Secondary Education (SBESE) for approval, all nonpublic schools seeking to change their classification category must submit their request to the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005).

### **§109. Initial Classification**

A. Schools seeking initial approval must be qualified to be classified as either approved or provisionally approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005).

### **§111. Re-Applying for State Approval**

A. An unapproved school reapplying for state approval must qualify as either approved or provisionally approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005).

### **§113. School Self-Evaluation**

A. School self-evaluation shall be used to effect improvement in the purposes of the school and in the understanding of pupils, instructional methods, and educational outcomes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005).

### **§115. Pre-Kindergarten/Kindergarten**

A. The local educational governing authority shall have the option of establishing a pre-kindergarten and/or kindergarten program on a half-day or full-day schedule.

B. The pre-kindergarten program shall be listed on the annual school report when operated as a developmental program within the total school program.

C. Any other program which operates in a school as a childcare program shall follow the day care standards as

prescribed by the appropriate state agency and is not to be listed on the annual school report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005).

#### **§117. Minimum Session/Instructional Day**

A. Each school shall adopt a calendar for a minimum session of 180 days, of which at least 175 days consisting of 330 minutes of instructional time, or the equivalent, shall be scheduled.

1. If a daily schedule must be abbreviated, the class schedule must be abbreviated in such a manner to ensure that all classes are taught during partial days, except in self-contained classrooms.

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

B. If a local school does not meet at least 175 school days, the State Board of Elementary and Secondary Education (SBESE) shall require the school to adjust its calendar to meet the minimum days of required instructional time by such means as Saturday classes, reduced holidays, expanded calendar length, etc.

1. A school system and/or independent school shall notify the State Board of Elementary and Secondary Education (SBESE) immediately when the minimum number of days of required instructional time cannot be met in crises such as fire, natural disasters, and so forth.

2. An alternate proposal to the original school calendar which meets the minimum number of 175 days or annual instructional minutes shall also be provided by the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005).

#### **§119. Written Policies**

A. Each school system and/or independent school shall have written policies and/or regulations governing the general operation of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005).

#### **§121. Emergency Planning and Procedures**

A. Each school system and/or independent school shall have written plans and procedures that address the immediate response to emergency situations that may develop in the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005).

#### **§123. Personnel**

A. Each school shall request in writing that the Louisiana Bureau of Criminal Identification and Information supply information to ascertain whether an applicant for employment as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or any other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children, has been convicted of, or pled *nolo contendere* to, any one or more of the crimes enumerated in R.S. 15:5871.1.

1. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the school making the request.

2. It must include a statement signed by the person about whom the request is made which gives his or her permission for such information to be released and must include the person's fingerprints in a form acceptable to the bureau.

3. A person who has submitted his or her fingerprints to the bureau may be temporarily hired pending the report from the bureau as to any convictions of, or pleas of *nolo contendere* to, by the person to a crime listed in R.S. 15:5871.1. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the school making the request.

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:5871.1 shall be hired by an elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as any school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the parish district attorney.

1. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

2. Not later than thirty days after its being placed on file by the school, the school principal shall submit a copy of the statement of approval to the State Superintendent of Education.

C. The school shall dismiss any permanent teacher or any other school employee having supervisory or disciplinary authority over school children, if such teacher or other employee is convicted of, or pled *nolo contendere* to, any crime listed in R.S. 15:L587.1(c) except R.S. 14:74.

D. A school may reemploy a teacher or other school employee who has been convicted of, or pled *nolo contendere* to, a crime listed in R.S. 15:L587.1(c), except R.S. 14:74, only upon written approval of the district judge of the parish and the district attorney or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated.

1. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

2. Not later than 30 days after its being placed on file by the school, the school principal shall submit a copy of any such statement of approval or written documentation from the court to the state superintendent of education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7 (6); R.S. 17:10; R.S. 17:15; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411; R.S. 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005).

### **Chapter 3. Certification of Personnel**

#### **§301. Principal**

A. A nonpublic school principal, assistant principal, or headmaster must hold a master's degree in any area from an accredited institution or have principalship on his Louisiana teaching certificate. The principal is to be a full-time, on-site employee. (The principal may be a teacher as well as the educational administrator of the school.)

B. Assistant principals who do not meet minimum qualifications may be retained in a school provided they were employed in that school during the 1992-93 school year as an assistant principal.

C. A list of these assistant principals is to be maintained on file in the State Department of Education. Upon their retirement or replacement, these assistant principals must be replaced with properly qualified personnel under the nonpublic school standards. These individuals may not be transferred or employed by another school unless they meet the requirements stated in the above standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3075 (December 2005).

#### **§303. Instructional Staff**

A.1. All members of the instructional staff teaching secular subjects, pre-kindergarten through 12, shall have received a bachelor's degree from a regionally accredited institution.

2. They shall also have completed a minimum of 12 semester hours of professional education courses. A beginning teacher shall have a two-year period in which to meet this 12-semester hour standard. The teacher shall be required to have a certificate or college major in the field of work for which the teacher is responsible during one half or more of the school day or shall have earned credits in the required specific specialized academic courses as described in Bulletin 746, *Louisiana Standards for State Certification of School Personnel*. A teacher may work in areas other than the major field for a period of time that is less than one-half of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in Trade and Industrial Education classes.)

a. Teachers of the pre-kindergarten class shall be minimally qualified in either elementary, kindergarten, or nursery school or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

b. Teachers of the kindergarten class shall be minimally qualified in either elementary or kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

c. The term *minimally qualified* is defined as having a college major or other documentation showing course completion in elementary, kindergarten or nursery school.

B. Staff members teaching religion at the high school level (9-12) for Carnegie units must have a minimum of a bachelor's degree. Staff members teaching religion that do not meet minimum qualifications may be retained in a school provided they were employed during the 1995-96 school year as teachers of religion.

C. Professional and/or technical personnel—e.g., C.P.A.s, doctors, college or university professors, lab technicians, lawyers, and so forth, may teach less than one-half of a school day in their area of expertise.

D. Non-degreed teachers having taught for a period of at least five years prior to September 1, 1977, may be rehired in a school provided their teaching performance was satisfactory; however, these teachers are eligible to teach only in the subject areas as listed prior to September 1, 1977. Upon retirement or replacement, these teachers must be replaced with degreed teachers eligible under the nonpublic school standards.

E. Credentials for graduates of foreign universities or colleges may be accepted by the local administrator, as qualified to teach in nonpublic schools subject to the review by the Nonpublic School Commission.

1. Applicants with foreign credentials seeking state certification should follow procedures as outlined by the State Department.

F. Teachers in nonpublic schools seeking state certification shall follow the approved procedure.

1. Secondary and elementary personnel may teach grades pre K-12 in their qualified areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3075 (December 2005).

#### **§305. Professional Staff Development**

A. Regular and planned faculty meetings on professional issues shall be held.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3075 (December 2005).

### **Chapter 5. Records and Reports**

#### **Subchapter A. Maintenance and Use of School Records and Reports**

##### **§501. General**

A. The school shall maintain accurate and current information on students, personnel, instructional programs, facilities, and finances.

B. There shall be procedures in place to ensure confidentiality and parental access to records, in accordance with applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3075 (December 2005).

### **§503. School Records**

A. Each school shall maintain necessary records for the effective operation of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§505. Student Records**

A. Each school shall keep records which shall provide for the registration and attendance of students and shall maintain an up-to-date permanent record of individual students showing personal data and progress through school.

B. Schools shall not reveal a student's confidential records, except by his or her parents/guardian consent, or for the purpose of the state's conduct of other activities, e.g., Department of Health and Human Resources surveying and monitoring of personnel, or use by other educational institutions and law enforcement officials, or by the order of a court, or pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, et seq., and 34 CFR, et seq.

C. If a school discontinues its operation, it must provide the parent or receiving school with an up-to-date copy of the permanent student record, if requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§507. Use of School Records**

A. Student records shall be reviewed regularly, and results shall be used for instructional planning, student guidance, and placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§509. Transfer of Student Records from Approved Schools**

A. A student transferred from a state-approved school, in- or out-of-state, will be allowed credit for work completed in the former school. When a student transfers from one school to another, a properly certified transcript, showing the student's record of attendance, achievement, and the units of credit earned are required.

B. Every nonpublic school, approved or nonapproved, shall provide written notification directly to the public school in which the student was previously enrolled. This notification shall take place within 10 days of enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§511. Transfer of Student Records from Schools that are not State Approved**

A. Local school principals from any state-approved school receiving a student from an unapproved school, in- or

out-of-state, will determine the placement and/or credits for the student. The principal and/or superintendent may require the student to take an entrance examination on any subject matter for which credit is claimed. The school issuing the high school diploma shall account for all the credit required for graduation, and its records will show when and where the credit was earned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§513. Students Transferring from Home Study**

A. The school shall adhere to the policies and procedures established by the school system/school for students entering the system from an approved home study program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§515. Students Transferring from Foreign Schools**

A. The school shall determine placement of students transferring from foreign schools. This determination shall be accepted by the State Department of Education (SDE).

B. Credits earned by students in American schools in foreign countries shall be accepted at face value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§517. Textbook Records**

A. A record of all state-purchased textbooks shall be kept. This shall include textbooks on hand at the beginning of the session, those added, and those lost or worn-out.

B. State funds allocated for buying textbooks shall be used to buy books on the state-adopted textbook lists and academically related ancillary materials according to the state guidelines.

1. Local schools may use state textbook dollars for the purchase of non-adopted instructional materials, when they are purchasing instructional materials for grades K-3 that are manipulative concrete materials, or gross motor materials; or when they do not exceed 10 percent of the total state textbook allocation.

2. Schools may petition in writing the State Department of Education for permission to spend in excess of the 10 percent allowance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2345 (November 2003), amended LR 31:3076 (December 2005).

### **§519. Health Records**

A. A health record shall be maintained on each student from pre-kindergarten through grade 12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3076 (December 2005).

## **Subchapter B. School Reports**

### **§525. General**

A. Reports required by the State Department of Education and BESE shall be made on appropriate forms, shall contain accurate information, and shall be returned by the specified date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§527. Annual School Report**

A. Each nonpublic school shall submit an annual school report to the appropriate division within the State Department of Education, according to the established time line.

B. By October 15, the principal shall forward a report through the nonpublic superintendent's or administrator's office, to the State Department of Education, on forms provided for that purpose. This report shall be authorized by the administrative head of the school. One copy shall be filed with the nonpublic school superintendent's or administrator's office and another copy shall be filed in the principal's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§529. Annual Financial and Statistical Report**

A. Information required for the completion of the annual financial and statistical report shall be recorded on forms furnished by the State Department of Education.

B. A copy of this report shall be filed in the principal's office and a copy forwarded to the appropriate office in the State Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§531. Reports of High School Credits**

A. Before a student may graduate from a nonpublic high school, a certificate of high school credits (transcript) shall be submitted to and approved by the State Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§533. Reporting Student Progress to Parents**

A. Reports covering the students' achievement and progress shall be made to parents or guardians periodically. These reports shall contain an evaluation of the pupil's scholastic achievement and conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3077 (December 2005).

### **§535. Other Reports**

A. Any other records and reports applicable to nonpublic schools that may be required by the State Board of Elementary and Secondary Education (SBESE) or the State Department of Education shall be submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

## **Chapter 7. Scheduling**

### **§701. General**

A. The purpose of scheduling within available time frames and staff resources shall be to meet educational needs of students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§703. Secondary Scheduling**

A. The minimum length of periods for any high school class in which a Carnegie unit is earned shall be no less than 55 minutes of instructional time in a six-period day and no less than 50 minutes of time in a seven-period day.

B. The minimum length of any high school class in which one-half Carnegie unit of credit is earned shall be no less than one-half of the total minutes required for one full Carnegie unit of credit.

C. Any high school class scheduled for a 90 minute per period block of instructional time must meet for a minimum of one full semester, or the equivalent, in order to earn a Carnegie unit.

D. The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or increase the number of class periods per week provided that the yearly aggregate time requirements are met.

E. Significant accommodations and/or modifications may be made for special education students in accordance with the Individualized Education Program (IEP), provided that the integrity of the Carnegie unit is not diminished.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2346 (November 2003), amended LR 31:3077 (December 2005).

### **§705. Length of the School Day**

A. The minimum instructional day for a full-day kindergarten program shall be 330 minutes and for a one-half day kindergarten program, the minimum instructional day shall be 165 minutes.

B. For grades 1-12, the minimum school day shall include 330 minutes of instructional time exclusive of recess, lunch, and planning periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3077 (December 2005).

#### **§707. Class Size and Ratio**

A. The maximum enrollment allowed in any class or section shall not exceed 35 students except in certain activity classes such as physical education, music, art, etc.

B. The class size for pre-kindergarten developmental programs shall not exceed 20 children for one teacher. Schools that choose to use the assistance of a full-time aide may have a maximum of 30 children per class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005).

### **Chapter 9. Student Services**

#### **§901. Attendance**

A. Students who have attained the age of seven years shall attend a public or private day school or participate in an approved home study program until they reach the age of 17 years; however, a student between the ages of 16 and 17 years of age may withdraw from school with the written consent of his parent, tutor, or legal guardian.

B.1. A student is considered to be in attendance when he or she:

a. is physically present at a school site or is participating in an authorized school activity; and

b. is under the supervision of authorized personnel.

2. This definition for attendance would extend to students who are homebound, assigned to and participating in drug rehabilitation programs that contain a state-approved education component, or participating in school-authorized field trips.

a. Half-Day Attendance. A student is considered to be in attendance for one-half day when he or she:

i. is physically present at a school site or is participating in an authorized school activity; and

ii. is under the supervision of authorized personnel for more than 25 percent but not more than half (26 percent-50 percent) of the student's instructional day.

b. Whole-Day Attendance. A student is considered to be in attendance for a whole day when he or she:

i. is physically present at a school site or is participating in an authorized school activity; and

ii. is under the supervision of authorized personnel for more than 50 percent (51 percent-100 percent) of the student's instructional day.

C. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per course each semester or 160 days per course during a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

1. Students attending high school classes operating in 90 minute blocks of instructional time shall be in attendance 80 days, or its equivalent, in order to be eligible to receive grades.

D. Each school shall develop and implement a system whereby a student's parent, tutor, or legal guardian is given notice when that student has been excessively absent from school and at intervals thereafter. This notification shall be provided each semester for those high schools operating on a semester basis.

E. Exception to the attendance policy can be made only in the event of extended personal illness, verified by a physician, or at the discretion of the principal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005).

#### **§903. Entrance Requirements**

A. All students, upon entering Louisiana schools for the first time, shall present:

1. an official birth certificate;
2. a record of immunization; and
3. an official Social Security Card.

B. If no official Social Security Card is available, the student shall be assigned an identification number by the school. Other official records may be used for verification upon the discretion of appropriate school officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005).

#### **§905. Age Requirements**

A. The minimum age for kindergarten shall be one year younger than the age requirement for that child to enter first grade.

B. Each school system and/or independent school may adopt by rule and enforce ages for entrance into first grade in school. It is recommended that a child entering first grade be six years of age on or before September 30 of that school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005).

### **Chapter 11. Health**

#### **§1101. Immunization**

A. The school principal of each school shall be responsible for checking student records to ensure that immunization requirements are enforced. Refer to R.S. 17:170.

B. After parental notification that a student's immunization schedule is not up-to-date, the student shall be excluded from school until evidence has been presented that the required immunization program is in progress or unless Section E of R.S. 17:170 is invoked. Refer to R.S. 17:170

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005).

## **Chapter 13. Preventive Programs**

### **§1301. Substance Abuse**

A. Each school is encouraged to include in the curriculum a program of substance abuse prevention.

B. Each school shall develop a method by which to mark drug free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on and in each school bus indicating that such area is a drug free zone, that such zone extends to one thousand feet of school property, and that a felony violation of the Uniform Controlled Dangerous Substances Law will subject the offender to severe penalties under law. Refer to R.S. 17:405.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

### **§1303. Abuse**

A. Any school employee having reasonable cause to believe that a student has been mentally, physically, or sexually abused shall report these facts to the appropriate authorities.

B. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred. Refer to R.S. 14:403.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

### **§1305. Weapons**

A. Carrying a firearm or dangerous weapon, as defined in R.S. 14:2(3), by a student or non-student on school property, at a school function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school-sponsored function in a specific designated area including, but not limited to, athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus. Refer to R.S. 14:95.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

### **§1307. Search and Seizure**

A. It is recommended that each school shall adopt a policy to provide for reasonable search and seizure by school teachers, by principals, and by other school administrators, of students' desks, lockers, or other school areas for illegal drugs, weapons, alcohol, stolen goods, or other material or objects.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

## **Chapter 15. Building Operation and Maintenance**

### **§1501. Building and Maintenance**

A. The school site and building shall include appropriate physical facilities and custodial services to meet the needs of the education program and to safeguard the health and safety of the pupils in each school.

B. Each school system/independent school must be in compliance with any state or local regulations regarding health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

## **Chapter 17. Instructional Support**

### **§1701. School Libraries/Media Centers**

A. It is recommended that all school libraries and media centers provide students access to information through monitored electronic formats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

### **§1703. Elementary Libraries/Media Centers**

A. It is recommended that elementary schools with a centralized library/media center have a trained librarian/media specialist for at least 20 hours per week. This person does not have to be a certified librarian, but should have at least a bachelor's degree from an accredited institution.

B. It is recommended that elementary schools have library books at the ratio of 10 volumes per pupil. Three subscriptions per 100 students are recommended for elementary schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005).

### **§1705. Secondary Libraries/Media Centers**

A. Secondary schools with more than 350 students are required to have a full-time librarian with at least 18 hours of library science or certification in library science. Secondary schools with fewer than 350 students are required to have a part-time librarian with at least 12 hours of library science or certification in library science.

B. Secondary schools are recommended to have library books at the ratio of 10 volumes per pupil. Three subscriptions per 100 students are recommended for secondary schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3079 (December 2005).

## **Chapter 19. Support Services**

### **§1901. Transportation**

A. If transportation is not provided by the public school board, parents of students attending nonpublic schools shall

be reimbursed for transportation, provided funds are appropriated. Refer to R.S. 17: 158.C, D, H.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3079 (December 2005).

**§1903. School Food Service**

A. Any recognized school of high school grade or under shall be eligible to participate in the school food service programs administered by the State Department of Education, provided that requirements set forth in the agreements with the local educational governing authority are met.

B. Reimbursement payments shall be made only to schools operating under an agreement between the school's governing body, called "school food authority" in the agreement and the State Department of Education (SDE). Agreements shall be signed by the designated representative of each school's governing body. Agreements shall be renewed by a signed statement annually unless an amendment is necessary. These agreements may be terminated by either party or may be canceled at any time by the State Department of Education upon evidence that terms of agreements have not been fully met.

C. Participating schools shall adhere to conditions of agreement as stipulated in Louisiana Food and Nutrition Programs, Policies of Operation, Bulletin 1196, and all other applicable State and Federal laws regulations, policies, and requirements established for the school food service program.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3080 (December 2005).

**Chapter 21. Curriculum and Instruction**

**Subchapter A. General**

**§2101. Curriculum**

A. The school shall plan and implement a continuous program of skills, concepts, and instruction in a learning environment designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his/her potential.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3080 (December 2005).

**Subchapter B. Elementary Program of Studies**

**§2103. Minimum Time Requirements**

**A. Pre-Kindergarten/Kindergarten**

1. The pre-kindergarten and/or kindergarten should be planned to meet the developmental needs of young children and should be informal in nature, with teacher-directed and student-initiated activities.

2.a. Suggested time requirements for pre-kindergarten are as follows.

Teacher-directed activities (whole or small group)	35 percent
Student-initiated activities (learning center)	35 percent
Snack and restroom time	10 percent
Lunch, rest period and/or quiet activities	20 percent

b. The above suggested time requirements shall be flexibly scheduled to meet the developmental needs of young students.

3.a. Suggested time requirements for kindergarten are as follows.

Teacher-directed activities (whole or small group)	40 percent
Student-initiated activities (learning center)	35 percent
Snack and restroom time	10 percent
Lunch, rest period and/or quiet activities	15 percent

b. The above minimum suggested time requirements shall be flexibly scheduled to meet the developmental needs of young students.

**B. Elementary Schools**

1. Nonpublic elementary schools shall devote no less than 50 percent of the school day to the skill subjects: reading, language arts, and mathematics. The remainder of the school day may be devoted to such subjects as social studies, arts, religion, science, physical education, or other electives.

2. The following elementary program of studies will be followed for nonpublic elementary schools.

<b>Program of Studies for Nonpublic Elementary Schools Self-Contained Classrooms</b>	
Subject	Percent of School Day
Reading	50% (minimum)
Language Arts	
Mathematics	
Social Studies	50% (maximum)
Fine Arts	
Science	
Physical Education/Health	
Religion and/or Electives	

3. An articulated elementary foreign language program is recommended for academically able students and optional for all others.

4. The above minimum time requirements shall apply to all students performing at or above grade levels in language arts and mathematics. Subject to review and approval of the principal, teachers may vary the daily schedule for the various subject time requirements as long as the weekly aggregate of time for each subjects is in accordance with the above.

5. For students performing below grade level in language arts or mathematics, teachers may increase the

daily/weekly time in language arts or mathematics by reducing instructional time in other subjects.

Departmental Classes 6-Period Day Option		
	Periods per Week	Minimum
Language Arts	5	55
Mathematics and Introduction to Algebra	5	55
Social Studies (LA Studies & Am. History)	5	55
Science	5	55
Health and Physical Education, Religion and/or Electives	10	10
330 minutes per day		

Departmental Classes 7-Period Day Option		
	Periods per Week	Minimum
Language Arts	5	50
Mathematics and Introduction to Algebra	5	50
Social Studies (LA Studies & Am. History)	5	50
Science	5	50
Health and Physical Education, Religion and/or Electives	15	130
330 minutes per day		

6. Grades 7 and 8 (including grade 6 when grouped with grades 7 and 8) may offer electives from the following:

- a. Reading;
- b. Mathematics;
- c. Writing;
- d. Social Studies;
- e. Exploratory Agriscience;
- f. Exploratory Technology Education Science:
  - i. Construction;
  - ii. Manufacturing;
  - iii. Communication;
  - iv. Transportation;
  - v. Production;
- g. Exploratory Family and Consumer Sciences;
- h. Art;
- i. Foreign Languages;
- j. Instrumental or Vocal Music;
- k. Keyboarding/Typing;
- l. Speech;
- m. Computer Literacy/Computer Science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3080 (December 2005).

#### §2105. Adding Electives to the Program of Studies for Middle Schools

A. A school choosing to add an elective course to its program of studies shall apply to the director of the Division of Student Standards and Assessments, State Department of Education (SDE), at least 30 days prior to the anticipated date of implementation.

B. The application for an elective course shall be signed by the school principal and superintendent, if applicable, and shall contain the following information:

1. detailed outline of course content;
2. time requirements (minutes per day; days per year or semester);
3. detailed course objectives and how they shall be measured;
4. qualifications of the instructor;
5. when the course is to begin;
6. approximate number of students;
7. criteria for enrollment.

C. If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent, along with the second and third year applications, to the Division of Student Standards and Assessments, for determining its continuation.

D. After an elective course has been in effect for three successive school years and the school wants the course to be a permanent part of its curriculum, the school principal and/or superintendent, if applicable, shall apply by letter to the Director of the Division of Student Standards and Assessments, Department of Education for permission to include it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2350 (November 2003), amended LR 31:3081 (December 2005).

#### Subchapter C. Secondary Schools

##### §2107. Unit of Credit

A. The basic unit of high school credit shall be the Carnegie unit. One unit of credit shall be equivalent to one Carnegie unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2350 (November 2003), amended LR 31:3081 (December 2005).

##### §2109. High School Graduation Requirements

A. A student shall complete a minimum of 23 Carnegie units of credit in an individual program which shall be cooperatively planned by the student, the student's parents, and the school to meet high school graduation requirements.

B. The 23 units required for graduation shall include 15 required units and 8 elective units.

C. Minimum Requirements (Effective for Incoming Freshmen 1999-2000 and Thereafter).

1. English—4 units, shall be English I, II, and III, in consecutive order; and English IV or Business English.

2. Mathematics—3 units

a. Effective for incoming freshmen 2005-2006 and beyond, all students must:

i. complete one of the following:

(a.) Algebra I (1 unit); or

(b.) Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units);

or

(c.) Integrated Mathematics I (1 unit);

ii. the remaining unit(s) shall come from the following:

(a.) Integrated Mathematics II;

(b.) Integrated Mathematics III;

(c.) Geometry;

(d.) Algebra II;

- (e). Financial Mathematics;
- (f). Advanced Mathematics I;
- (g). Advanced Mathematics II;
- (h). Pre-Calculus;
- (i). Calculus;
- (j). Probability and Statistics;
- (k). Discrete Mathematics.

b. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

3. Science—3 units, shall be the following:

a. 1 unit of Biology

b. 1 unit from the following physical science cluster: Physical Science, Integrated Science, Chemistry I, Physics I, Physics of Technology I

c. 1 unit from the following courses: Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, an additional course from the physical science cluster, or a locally initiated science elective.

d. Students may not take both Integrated Science and Physical Science

e. Agriscience I is a prerequisite for Agriscience II and is an elective course.

4. Social Studies—3 units, shall be American History; one-half unit of Civics, one-half unit of Free Enterprise or one full unit of Civics or AP American Government; and one of the following: World History, World Geography, Western Civilization, or AP European History.

5. Health and Physical Education—2 units, shall be Health and Physical Education I and Health and Physical Education II, or Adapted Physical Education for eligible special education students.

NOTE: The substitution of JROTC is permissible. A maximum of four units may be used toward graduation.

6. Electives (Including a maximum of four credits in religion)—8 units.

7. Total—23 units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005).

### §2111. Graduation Exit Examination

A. Any approved nonpublic school may award a school diploma to any student who meets the state minimum high school graduation requirements.

B.1. Any approved nonpublic school that participates in the state Graduation Exit Examination (GEE 21) shall award a state and/or school diploma to a student who successfully completes the state's minimum graduation requirements and successfully pass English/Language Arts and Mathematics

and either Science or Social Studies components of the examination.

2. A student who attends a school that opts to administer the test but who does not successfully complete the state's minimum graduation requirements and required components of the examination shall not be eligible for either a state or a school diploma.

C.1. Any state-approved nonpublic school that wishes to award the state diploma to its students shall contact the state department for time lines and other administrative guidelines for administering the State Exit Testing Program.

2. Any nonpublic school that opts to give the graduation exit examination shall follow rules and regulations set by the State Board of Elementary and Secondary Education.

D. Any approved nonpublic school that does not choose to administer the state graduation exit examination to its students may grant a school diploma, which shall carry the same privileges as one issued by a state-approved public school.

E. The awarding of high school diplomas shall in no way effect the school approval classifications of any school (see Addendum for The State Test Security Policy).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005).

### §2113. State Diplomas

A. A nonpublic high school choosing to issue a state diploma shall meet state requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2352 (November 2003), amended LR 31:3082 (December 2005).

### §2115. Special Requirements

A. Each school shall follow established procedures for special requirements for high school graduation that will allow each school to address individual differences of all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2352 (November 2003), amended LR 31:3082 (December 2005).

### §2117. High School Credit for Elementary Students

A.1. An elementary student shall be eligible to receive high school credit in a course listed in the programs of study in mathematics, science, English, social studies, or foreign language; or keyboarding/keyboarding applications, or computer/technology literacy provided that:

a. the time requirement for the awarding of a Carnegie unit is met;

b. the student has mastered the set standards of the course taken; and

c. the teacher is qualified at the secondary level in the course taught; or the student has passed the credit examination in the subject taken, mastering the set standards for the course.

i. The credit examination shall be submitted each year for approval to the Division of Student Standards and Assessments or the Division of Family, Career and Technical Education of the DOE.

ii. School principals may request the state Algebra I credit examination by notifying the Division of Student Standards and Assessments.

2. The school may grant credit on either a letter grade or a pass or fail (P/F) basis. The course title, year taken, P/F (pass or fail) or the letter grade and unit of credit shall be entered on the Certificate of High School Credits (transcript). High School Credit (H.S.C.) must be indicated in the remarks column.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2352 (November 2003), amended LR 31:3082 (December 2005).

### **§2119. Proficiency Examination for High School Students**

A. High school credit shall be granted to a student following the student's passing of a proficiency examination for the eligible course. Refer to §513 for students transferring from an approved Home Study Program.

1. A proficiency examination shall be made available to a student when a school official believes that a student has mastered eligible subject matter and has reached the same or a higher degree of proficiency as that of a student who successfully completed an equivalent course at the regular high school or college level.

2. The testing instrument and the passing score shall be submitted for approval to the State Department of Education. The course title, year taken, P/F (pass or fail) and unit of credit earned shall be entered on the certificate of high school credits (transcript). Minimum proficiency standards (M.P.S.) must be indicated in the remarks column.

B. Students shall not be allowed to take proficiency examinations in courses previously completed in high school or at a level below that which they have completed.

1. Proficiency examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics I-II, Algebra I-II, Calculus, Geometry, and Keyboarding/Keyboarding Applications.

2. Additionally, credit may be given in all courses listed in the Programs of Study in foreign languages, science and social studies. Exceptions may be made by the Division of Student Standards and Assessment, State Department of Education, upon request of the local superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2352 (November 2003), amended LR 31:3083 (December 2005).

### **§2121. Advanced Placement Program**

A. High school credit shall be granted to a student successfully completing an advanced placement course or a course designated as advanced placement regardless of his test score on the examination provided by the College Board.

B. Procedures and curriculum established by the College Board must be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3083 (December 2005).

### **§2123. Service Credit**

A. Two units of elective credit toward high school graduation shall be awarded to any member of the United States Armed Forces, their reserve components, the National Guard, or to any honorably discharged veteran who has completed his/her basic training, upon presentation of a military record attesting to such completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3083 (December 2005).

### **§2125. Adding Electives Course to the Program of Studies**

A. A school choosing to add an elective course to its program of studies shall apply to the Director of the Division of Student Standards and Assessment, State Department of Education (SDE) through the local superintendent, (if applicable) at least 30 days prior to the anticipated date of implementation.

B. The application for an elective course shall be signed by the school principal and superintendent (if applicable) and shall contain the following:

1. detailed outline of course content;
2. units of credit to be granted;
3. detailed course objectives and how they shall be measured;
4. qualifications of the instructor;
5. when the course is to begin;
6. approximate number of students;
7. criteria for enrollment.

C. If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent with the second and third year application to the Division of Student Standards and Assessments for determining its continuation.

D. After an elective course has been in effect for three successive school years and if the school/system wants the course to be a permanent part of its curriculum, the school principal through the local superintendent (if applicable) shall apply by letter to the Director of the Division of Student Standards and Assessment for permission to include it.

E. Approved elective courses shall not be used as required courses for meeting graduation requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2360 (November 2003), amended LR 31:3083 (December 2005).

### **§2127. Approval of Experimental Programs**

A. Experimental programs are programs which deviate from established standards. Such programs shall be

approved by the State Department of Education and carried out under controlled conditions.

B. Approval of experimental programs shall be granted on a yearly basis not to exceed three years, after which time permanent approval shall be considered using the following procedures.

1. A letter of intent containing the following information shall be submitted to the Division of Student Standards and Assessments, State Department of Education, at least 90 days prior to the anticipated date of implementation:

- a. proposed title of program;
- b. name and address of school;
- c. name and address of local school system;
- d. name and signature of principal/superintendent;
- e. name, title, address, and telephone number of the person submitting proposal;
- f. units of credit to be granted;
- g. source of funding.

2. A brief narrative report stating the intent of the program and how the program will be conducted and evaluated, and the following:

- a. a statement documenting support for the intended program;
- b. a statement outlining the exact guideline deviations necessary to implement the program;
- c. a statement outlining specific time lines for the planning implementing phases of the program, including intended procedures;
- d. a statement of the evaluation procedures to be used in determining the program's effectiveness (these procedures should spell out specific objectives to be accomplished);
- e. a statement indicating approximate number of students to be involved in the project;
- f. a statement of qualifications or certification of instructional personnel; and
- g. a statement stipulating that applicable local, state, and federal regulations will be followed.

C. An evaluation by the local governing authority shall be submitted annually at the close of the school year to the Division of Student Standards and Assessments until permanent status is granted.

D. Southern Association of Colleges and Schools member schools should comply with appropriate Southern Association Standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2360 (November 2003), amended LR 31:3083 (December 2005).

### **§2129. Correspondence Study Courses**

A. Credit toward high school graduation should be earned through correspondence work from the General Extension Division of Louisiana State University.

B. An application to the General Extension Division for correspondence study courses shall be approved by the local superintendent, (if applicable) and the high school principal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2361 (November 2003), amended LR 31:3084 (December 2005).

### **§2131. High School Credit for College Credit Courses (Applies to Student Attending College Part Time)**

A. The principal of the school shall approve the advanced offering to be taken by the student in college.

B. The student shall meet the entrance requirements established by the college.

C. The student shall earn at least two or three college hours of credit per semester. A course consisting of at least two college hours shall be counted as no more than one unit of credit toward high school graduation.

D. The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six or nine-week intervals.

E. College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary state organizations.

F. Students may participate in college courses and special programs during regular or summer sessions. High school credit for summer courses is subject to §2929.A-E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2361 (November 2003), amended LR 31:3084 (December 2005).

### **§2133. High School Credit for College Courses for Evaluated Gifted Students**

A. Secondary students shall be in attendance in at least one high school class while enrolled in college classes.

B. An elementary or secondary student shall have at least a 3.0 cumulative average on a 4.0 scale for all subjects taken during the previous two years.

C. Entry into a college course of credit shall be stated in the student's Individualized Education Program (IEP).

D. The student shall earn at least two or three college hours of credit per semester. A course, consisting of at least two hours, shall be counted as no more than one unit of credit toward high school graduation.

E. The school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.

F. College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary state organizations.

G. After 12 Carnegie units have been earned, students shall follow §2929.A-E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2361 (November 2003), amended LR 31:3084 (December 2005).

**§2135. Early College Admissions Policy (Applies Only to High School Students Attending College Full Time)**

A. High school students of high ability may be admitted to a college on a full-time basis.

B. A student shall have maintained a "B" or better average on all work pursued during the preceding three years (six semesters) of high school.

C. The student shall have earned a minimum composite score of 25 on the ACT or a SAT score of 1050; this score must be submitted to the college.

D. A student shall be recommended by his high school principal.

E. Upon earning a minimum of 24 semester hours at the college level, the student shall be eligible to receive a high school diploma.

F. The high school principal shall submit to the State Department of Education the following:

1. forms provided by the State Department of Education and completed by the college registrar, certifying that the student has earned 24 semester hours of college credit; and

2. a certificate of high school credits in duplicate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2361 (November 2003), amended LR 31:3085 (December 2005).

**Chapter 23. High School Program of Studies**

**§2301. General**

A. The high school shall provide a comprehensive college preparatory and/or vocational curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005).

**§2303. General and Academic Course Offerings**

A. One-half unit of credit may be awarded by the local school authority for all one-unit courses listed in the academic and vocational course offerings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005).

**§2305. Art**

A. Art course offerings shall be as follows.

Course Title	Unit(s)
Art I, II, III, IV	1 each

B. Fine Arts Survey (Art). Fine arts survey shall be taught by a qualified art teacher and the other semester by a qualified music teacher. If one or both of these teachers is not available, the principal is authorized to select the most qualified teacher, preferably one with a strong liberal arts or humanities background.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005).

**§2307. Computer Education**

A. Computer education/technology course offerings shall be as follows.

Course Title	Unit(s)
Computer Applications	1
Computer Architecture Occupations	1
Computer Science I	1
Computer Science II	1
Computer Systems and Networking	1
Computer Systems and Networking I	1
Computer/Technology Literacy	1/2
Desktop Publishing	1/2
Digital Graphics and Animation	1/2
Multimedia Productions	1
Web Mastering	1/2
Independent Study in Technology Application	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005).

**§2309. Dance**

A. Dance course offerings shall be as follows.

Course Title	Unit(s)
Dance I	1
Advanced Dance	1

B. Advanced Dance is a performance class with new literature each year; it may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3085 (December 2005).

**§2311. Driver Education**

A. Driver Education course offerings shall be as follows.

Course Title	Unit(s)
Driver Education and Traffic Safety	1/2

**§2313. English**

A. Four units of English shall be required for graduation. They shall be English I, II, and III in consecutive order; and English IV or Business English. The English course offerings shall be as follows.

Course Title	Unit(s)
English I, II, III, IV	1 each
Business English	1
Reading I, II	1 each
English as Second Language (ESL) I, II, III	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005).

**§2315. English as a Second Language (ESL)**

A. Only students who have limited English proficiency are permitted to enroll in English as a Second Language (ESL) courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3086 (December 2005).

**§2317. Foreign Languages**

A. The foreign language course offerings shall be as follows.

Course Title	Unit(s)
Chinese I, II, III, IV	1 each
French I, II, III, IV, V	1 each
German I, II, III, IV, V	1 each
Greek I, II, III, IV	1 each
Hebrew I, II, III, IV	1 each
Italian I, II, III, IV, V	1 each
Latin I, II, III, IV, V	1 each
Russian I, II, III, IV, V	1 each
Spanish I, II, III, IV, V	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005).

**§2319. Health and Physical Education**

A. Two units of Health and Physical Education shall be required for graduation. They shall be Health and Physical Education I and Health and Physical Education II, or Adapted Physical Education for eligible special education students. The Health and Physical Education course offerings shall be as follows.

Course Title	Unit(s)
Adapted Physical	1 each
Health and Physical Education I-IV	1 each

1. It is recommended that Physical Education I and II be taught in the ninth and tenth grades.

2. A minimum of 30 hours of Health Instruction shall be taught in each of the two required Health and Physical Education units.

3. Cardiopulmonary Resuscitation (CPR) is required.

B. No more than four units of Health and Physical Education shall be allowed for meeting high school graduation requirements.

C. In schools having approved Junior Reserve Officer Training Corps (R.O.T.C.) training, credits may, at the option of the local school board, be substituted for the required credits in Health and Physical Education, including required hours in health instruction.

D. Extra- or co-curricular experiences such as intramural, athletics, band, majorettes, drill team, dance team, cheerleaders, or any other kind of extra activities cannot be counted for credit toward the required Health and Physical Education units.

E. Students shall be exempted from the requirements in Health and Physical Education for medical reasons only;

however, the minimum number of credits required for graduation shall remain 23.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005).

**§2321. Journalism**

A. Journalism course offerings shall be as follows.

Course Title	Unit(s)
Journalism I, II	1 each
Publications I, II (Yearbook)	1 each
Publications I, II (Newspaper)	1 each

1. Teachers must be qualified in journalism to teach journalism.

2. Teachers qualified in the areas of journalism, English, and/or business education are qualified to teach Publications I and II (Yearbook).

3. Teachers qualified in the areas of journalism, and/or English are qualified to teach Publications I and II (Newspaper).

4. Publications I is a prerequisite to Publications II.

5. A maximum of two Carnegie units within the 23 required for graduation may be earned from the six courses listed under journalism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005).

**§2323. Mathematics**

A. Three units of mathematics are required for graduation. Effective for incoming freshmen 2005-2006 and beyond, all students must:

1. complete one of the following:

- a. Algebra I (1 unit); or
- b. Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
- c. Integrated Mathematics I (1 unit).

2. The remaining unit(s) shall come from the following:

- a. Integrated Mathematics II;
- b. Integrated Mathematics III;
- c. Geometry;
- d. Algebra II;
- e. Financial Mathematics;
- f. Advanced Mathematics I;
- g. Advanced Mathematics II;
- h. Pre-Calculus;
- i. Calculus;
- j. Probability and Statistics;
- k. Discrete Mathematics.

B. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics 1 (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced

Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra I-Part II	1
Algebra II	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1

C. Financial Mathematics may be taught by the Business Education Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 30:2776 (December 2004), LR 31:3086 (December 2005).

**§2325. Music**

A. Music course offerings shall be as follows.

Course Title	Unit(s)
Beginning Band	1
Beginning Choir	1
Beginning Orchestra	1
Composition	1
Conducting	1
General Music	1
Guitar Class	1
Intermediate Band	1
Intermediate Choir	1
Intermediate Orchestra	1
Instrument Technique Class	1
Jazz Ensemble	1
Jazz Improvisation	1
Music Appreciation	1
Music History	1
Music Theory I, II	1 each
Piano class	1
Sectional Rehearsal	1
Studio Piano, I, II, III	1 each
Advanced Band	1
Advanced Choir	1
Advanced Orchestra	1
Applied Music	1
Small Vocal Ensemble	1
Wind Ensemble	1

B. Advanced Choir, Advanced Band, Advanced Orchestra, Small Vocal Ensemble, Wind Ensemble, Applied Music, Jazz Ensemble, and Studio Piano III are performance classes with new literature each year; they may be repeated more than once.

C. Refer to §2741 for credit for private piano and studio strings instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2355 (November 2003), amended LR 31:3087 (December 2005).

**§2327. Reserve Officer Training**

A. Reserve Officer Training course offerings shall be as follows.

Course Title	Unit(s)
JROTC I, II, III, IV	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2355 (November 2003), amended LR 31:3087 (December 2005).

**§2329. Science**

A. Effective for incoming freshmen 2002-2003 and thereafter, the science graduation requirements shall be as follows:

1. 1 unit of Biology
2. 1 unit from the following physical science cluster:
  - a. Physical Science
  - b. Integrated Science
  - c. Chemistry I
  - d. Physics I
  - e. Physics of Technology I

3. 1 unit from the following courses:

- a. Aerospace Science
- b. Biology II
- c. Chemistry II
- d. Earth Science
- e. Environmental Science
- f. Physics II
- g. Physics of Technology II
- h. Agriscience II (See paragraph (C) below.)
- i. an additional course from the physical science cluster, or
- j. a locally initiated science elective.

B. Students may not take both Integrated Science and Physical Science.

C. Agriscience I is a prerequisite for Agriscience II and is an elective course.

D. The Science course offerings shall be as follows:

Course Title	Unit(s)
Aerospace Science	1
Agriscience II	1
Biology I, II	1 each
Chemistry I, II	1 each
Earth Science	1
Environmental Science	1
Integrated Science	1
Physical Science	1
Physics I, II	1 each
Physics for Technology I, II	1 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2355 (November 2003), amended LR 31:3087 (December 2005).

**§2331. Social Studies**

A. Three units of Social Studies shall be required for graduation. They shall be (a) American History; (b) Civics, AP American Government, or 1/2 unit of Civics and 1/2 unit of Free Enterprise; and (c) one of the following: World History, World Geography, Western Civilization, or AP European History. Social Studies course offerings shall be as follows.

Course Title	Unit(s)
American Government	1
American History	1
Civics	1 (or 1/2)
Economics	1
Free Enterprise System	1/2
Law Studies	1
Psychology	1
Sociology	1
Western Civilization	1
World Geography	1
World History	1
AP European History	1

B. Economics may be taught by a teacher qualified in Business Education.

C. Free Enterprise shall be taught by teachers qualified in Social Studies, Business Education, or Distributive Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), amended LR 31:3088 (December 2005).

**§2333. Speech**

A. Speech course offerings shall be as follows.

Course Title	Unit(s)
Speech I (Fundamentals)	1
Speech II	1
Speech III	1
Speech IV	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), LR 31:3088 (December 2005).

**§2335. Course Credit for Religion**

A. A maximum of four units in religion shall be granted to students transferring from state-approved private and sectarian high schools who have completed such course work. Those credits shall be accepted in meeting the requirements for high school graduation.

Course Title	Units
Religion I	1
Religion II	1
Religion III	1
Religion IV	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), amended LR 31:3088 (December 2005).

**§2337. Theatre Arts**

The theatre arts course offerings shall be as follows.

Course Title	Unit(s)
Theatre I	1
Advanced Theatre	1

B. Advanced Theatre is a performance class with new literature each year; it may be repeated more than once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), amended LR 31:3088 (December 2005).

**§2339. Course Credit for Private Piano and Studio**

**Strings Lessons**

A. Approval by the State Department of Education shall be granted before private piano and studio strings instruction can be given for credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), amended LR 31:3088 (December 2005).

**Chapter 25. Career/Technical Education Course Offerings**

**§2501. Agricultural Education**

A. The Agricultural Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Agriscience	7-8	1
Agribusiness	11-12	1
Agricultural Education Elective, I, II	9-12	1
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1/2
Agriscience IV	12	1/2
Agriscience III Laboratory	11-12	
Agriscience IV Laboratory	12	1/2
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1/2
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	1/2
Agriscience Internship II	11-12	1/2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	11-12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	1/2
Care and Management of Small Animals II	11-12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2

Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	11-12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry-Based Certifications		
ABC Welding in Agriscience	11-12	1-3
ABC Carpentry in Agriscience	11-12	1-3
ABC Electricity in Agriscience	11-12	1-3
ABC Pipefitting in Agriscience	11-12	1-3

B. Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

C. Semester courses are designed to be offered in the place of, or in addition to, Agriscience III and/or IV

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2356 (November 2003), amended LR 31:3088 (December 2005).

**§2503. Business Education**

A. Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Keyboarding (Middle School)	6-8	-
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I, II	9-12	1/2-3
Business English	11-12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Technology Literacy	9-12	1
Computer Multimedia Presentations	11-12	1/2
Cooperative Education (COE)	12	3
Desktop Publishing	11-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Mathematics	10-12	1
Introduction to Business Computer Applications	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I	10-12	1-3
Lodging Management II	11-12	1-3
Principles of Business	9-12	1
Telecommunications	10-12	1/2
Web Design	10-12	1/2
Word processing	11-12	1 or 1/2

B. Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding/Keyboarding Applications or Introduction to Business Computer Applications and one of the following:

ASO or Word Processing or BCA, and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2357 (November 2003), amended LR 31:3089 (December 2005).

**§2505. General Cooperative Education**

A. General Cooperative Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
CTE Internship I	11-12	2
CTE Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2-1
STAR I	11-12	1
STAR II	12	1
Advanced Television Broadcasting I	10-12	1-3
Advanced Television Broadcasting II	11-12	1-3
Digital Media I	10-12	1-3
Digital Media II	11-12	1-3
Oracle Internet Academy		
Data Modeling & Relational Database Design	11-12	1/2
Introduction to SQL	11-12	1/2
Introduction to Java	11-12	1/2
Java Programming	11-12	1/2
Finance Academy		
Economics and the World of Finance	11-12	1/2
Banking and Credit	11-12	1/2
Financial Planning	11-12	1/2
Securities	11-12	1/2
Insurance	11-12	1/2
International Finance	11-12	1/2
Introduction to Financial Services	11-12	1/2- 1
Hospitality and Tourism Academy		
Introduction to Travel and Tourism	11-12	1/2
Travel and Tourism II	11-12	1/2
Travel Destinations I, II	11-12	1/2
Systems Applications	11-12	1/2
Economics for Travel and Tourism	11-12	1/2
Information Technology Academy		
Introduction to Information Technology	11-12	1/2
Digital Networks	11-12	1/2
Advanced Web Tools	11-12	1/2
Databases	11-12	1/2

B. General Cooperative education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2357 (November 2003), amended LR 31:3089 (December 2005).

**§2507. Health Occupations**

A. Health Occupations course offerings shall be as follows.

Course Title	Grade Level	Unit(s)
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I	10-12	1-2
Allied Health Services II	10-12	1-2
Cooperative Health Occupations	11-12	3
Dental Assistant I	10-12	1-2
Dental Assistant II	11-12	2-3
Emergency Medical Technician—Basic	10-12	2
First Responder	9-12	1/2-2
Health Occupations Elective I, II	9-12	1/2-3
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I	11-12	1-2
Health Science II	12	1-2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations †	9-12	1
Introduction to Pharmacy Assistant	10-12	1-2
Medical Assistant I	10-12	1-2
Medical Assistant II	11-12	1-2
Medical Assistant III	12	1-2
Medical Terminology	9-12	1
Nursing Assistant I	10-12	1-3
Nursing Assistant II	11-12	1-3
Pharmacy Technician	12	1-2
Sports Medicine I	10-12	1-2
Sports Medicine II	11-12	1-2

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2357 (November 2003), amended LR 31:3089 (December 2005).

### §2509. Family and Consumer Sciences Education

A. Family and Consumer Sciences Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory FACS	7-8	-
Family and Consumer Sciences I	9-12	1
Family and Consumer Sciences II	10-12	1
Food Science	10-12	1
Adult Responsibilities	11-12	1/2
Child Development	10-12	1/2
Personal and Family Finance	10-12	1/2
Family Life Education	10-12	1/2
Clothing and Textiles	10-12	1/2
Housing and Interior Design	10-12	1/2
Family Life Education	10-12	1/2
Clothing and Textiles	10-12	1/2
Housing and Interior Design	10-12	½
Nutrition and Food	10-12	1/2
Parenthood Education	11-12	1/2
Advanced Child Development*	10-12	1/2
Advanced Clothing and Textiles*	10-12	1/2
Advanced Nutrition and Food*	10-12	1/2
FACS Elective I, II	9-12	½-3
*The related beginning semester course is prerequisite to the advanced semester course		
Occupational Courses		
Clothing & Textile Occupations I	11-12	1-3
Clothing & Textile Occupations II	12	1-3
Early Childhood Education I	11-12	1-3
Early Childhood Education II	12	1-3
FACS Internship I	11-12	2
FACS Internship II	12	2
Food Services I	11-12	1-3
Food Services II	11-12	1-3
Food Service Technician	11-12	1

Course Title	Recommended Grade Level	Unit(s)
Housing & Interior Design Occupations	11-12	1-3
ProStart I	11-12	1-3
ProStart II	12	1-3
Cooperative FACS Education	12	3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2358 (November 2003), amended LR 31:3090 (December 2005).

### §2511. Technology Education

A. Technology education course (formerly industrial arts) offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology I	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Power and Energy and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I, II	9-12	1/2-3
Technology Education Internship I	11-12	2
Technology Education Internship II	12	2
Welding Technology	10-12	1
Industry-Based Certifications		
Process Technician I, II	11-12	1
ABC Carpentry I, II TE	11-12	1-3
ABC Electrical I, II TE	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II TE	11-12	1-3
ABC Welding Technology I, II TE	11-12	1-3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2358 (November 2003), amended LR 31:3090 (December 2005).

### §2513. Marketing Education

A. Marketing Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Advertising and Sales Promotion	11-12	1/2, 1 or 3
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1/2, 1 or 3
Marketing Education Elective I, II	9-12	1/2-3
Marketing Internship I	11-12	2
Marketing Internship II	12	2
Marketing Management	11-12	1/2, 1 or 3
Marketing Research	11-12	1/2, 1 or 3
Principles of Marketing I	9-12	1
Principles of Marketing II	12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1/2, 1 or 3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2359 (November 2003), amended LR 31:3090 (December 2005).

### §2515. Trade and Industrial Education

A. Trade and Industrial Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Air Conditioning/ Refrigeration I, II	11-12	1-3
Air Conditioning/ Refrigeration III, IV	11-12	2-3
Auto Body Repair I, II	11-12	1-3
Auto Body Repair III, IV	11-12	2-3
Automotive Technician I, II	11-12	1-3
Automotive Technician III, IV, V, VI	11-12	1-3
General Automotive Maintenance	11-12	1-3
G. M. Technician I, II	11-12	1-3
ABC Carpentry I, II	11-12	1-3
ABC Electrical I, II	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II	11-12	1-3
ABC Welding Technology I, II	11-12	1-3
Masonry I-II	11-12	1-3
Cabinetmaking I-II	11-12	1-3
Carpentry I-II	11-12	1-3
Carpentry III, IV	11-12	2-3
Culinary Occupations I-II	11-12	1-3
Culinary Occupations III, IV	11-12	2-3
Custom Sewing I-II	11-12	1-3
Computer Electronics I-II	11-12	1-3
Commercial Art I-II	11-12	1-3
Trade and Industrial Cooperative Education (TICE) I	11-12	1-3
T & I Cooperative Education (TICE) II	12	1-3
T & I Elective	11-12	1-3
Cosmetology I-II	11-12	1-3
Cosmetology III, IV	11-12	2-3
Diesel Mechanics I-II	11-12	1-3
Diesel Mechanics III, IV	11-12	2-3
Drafting and Design Technology I-II	11-12	1-3
Drafting and Design Technology III, IV	11-12	2-3
Basic Electricity I-II	11-12	1-3
Electronics I-II	11-12	1-3
Industrial Electronics I-II	11-12	1-3
Electrician I-II	11-12	1-3
Electrician III, IV	11-12	2-3
Graphic Arts I-II	11-12	1-3
Graphic Arts III, IV	11-12	2-3

Horticulture I-II	11-12	1-3
Industrial Engines I-II	11-12	1-3
Laboratory Technology I-II	11-12	1-3
Industrial Machine Shop I-II	11-12	1-3
Industrial Machine Shop III, IV	11-12	2-3
Marine Operations I-II	11-12	1-3
Photography I, II	11-12	1-3
Plumbing I, II	11-12	1-3
Printing I, II	11-12	1-3
Sheet Metal I, II	11-12	1-3
Outdoor Power Equipment Technician I, II	11-12	1-3
Outdoor Power Equipment Technician III, IV	11-12	2-3
Television Production I, II	11-12	1-3
Upholstery I, II	11-12	1-3
Welding I, II	11-12	1-3
Welding III, IV	11-12	2-3

B. Trade and Industrial Education Programs may be offered in two consecutive class periods, five days per week, for 36 weeks each year for two units of credit, or may be offered with three consecutive class periods for three units of credit in the selected Trade and Industrial Education Program.

C. Each school or school system that operates a career/technical center or comprehensive high school may award 1 1/2 units of credit to students enrolled in a two-hour block for 36 weeks, or 2 1/2 units of credit to students enrolled in a three-hour block for 36 weeks in approved Trade and Industrial Education Programs.

D. A school may offer a one-hour trade and industrial education program for one unit of credit at the ninth or tenth grade level as a prerequisite to enrollment in a related trade and industrial education program at the tenth, eleventh, or twelfth grade level. The course shall be in the programmatic area in which the trade and industrial education instructor is certified to teach.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2359 (November 2003), amended LR 31:3091 (December 2005).

### §2517. Credit for Career and Technical Education Courses

A. Credits for partial completion of two- or three-hour blocks of career and technical education courses shall be granted for unusual or extenuating circumstances only.

B. Request for partial credit because of unusual or extenuating circumstances shall be made as follows.

1. Written requests from the local school principal and approved by the local superintendent (if applicable) shall be made to the Division of Family, Career and Technical Education, Louisiana Department of Education.

2. A copy of the written responses shall accompany the student's transcript when it is sent to the Division of School Standards, Accountability and Assessment prior to his/her graduation if the request for partial credit has been granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2360 (November 2003), amended LR 31:3091 (December 2005).

**§2519. Secondary Students Attending a Private Cosmetology School**

A. Secondary students attending an approved cosmetology school, licensed by the Louisiana State Board of Cosmetology, may receive trade and industrial education credit if time requirements for Carnegie units are met and if an equivalent course is not offered at the student's local school.

B. A copy of the written agreement between the school and the private cosmetology school shall be on file in the school office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2360 (November 2003), amended LR 31:3092 (December 2005).

**§2521. High School Credit for College Courses in Career/Technical Education (Applies to Students Attending College Part Time)**

A. The student shall meet the entrance requirements established by the college.

1. The principal of the school shall approve the advanced offering to be taken by the student in college.

2. The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six or nine-week intervals.

3. The awarding of the Carnegie units of credit will be in accordance with individual program requirements as stated in Bulletin 741.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2361 (November 2003), amended LR 31:3092 (December 2005).

**§2521. Distance Learning**

A. A school choosing to implement a distance education program shall establish policy and procedures for reviewing and approving programs that meet the following Standards for Distance Education as established by BESE.

1. Distance education shall comply with all BESE policies related to nonpublic schools.

2. Development of Distance Education Program.

a. The school shall ensure that each distance education course is provided by an institution accredited by a nationally recognized accrediting body or is authorized by the DOE.

b. The school shall ensure that the content, instruction and assessment of each distance education course are comparable in rigor and breadth to a traditionally delivered course.

c. The providing school or agency shall define minimum prerequisite technology competencies for student participation in distance education courses if such competencies are required for course access.

d. The providing school or agency and the school receiving distance education courses shall provide necessary and relevant resources, including, but not limited to research information, periodicals, supplemental materials and/or extension resources.

e. The providing school or agency shall ensure that teachers delivering instruction in distance education courses use a variety of methods to assess student mastery of the content.

f. The providing school or agency shall ensure that teachers delivering instruction in distance education courses provide timely and informative feedback for support and remediation.

g. The receiving school shall ensure that instruction is provided by qualified teachers with appropriate credentials.

h. The providing school or agency shall provide a complete syllabus prior to course implementation.

i. The providing school or agency shall provide course content that is systematically designed, clearly written and revised based on student performance and feedback.

j. The providing school or agency shall provide courses which are designed to engage students in learning activities based on various learning styles and to accommodate individual differences, including student disabilities.

k. The receiving school shall evaluate the effectiveness of each distance education course received.

l. The providing school or agency shall ensure that all course content complies with copyright fair use laws and policies.

m. The providing school or agency shall ensure that instruction provides opportunities for student-to-teacher and student-to-student interaction.

3. Management and Administration

a. The providing and receiving school or agency shall judiciously address issues relative to course load and student-teacher ratio as appropriate for the particular method of delivery and particular course content and as recommended in the *Louisiana Distance Education Handbook*.

b. The receiving district shall ensure that a facilitator who is a qualified teacher is assigned fulltime to each class participating in distance education courses.

c. The providing and receiving school or agency shall ensure that the teacher providing instruction and the facilitator adhere to guidelines stated in the *Louisiana Distance Education Handbook*.

d. The receiving school shall award credit for distance education courses.

e. The providing and receiving school or agency shall ensure that the teacher providing instruction and the facilitator are provided adequate technical support to ensure ease of use for faculty and students.

f. The teacher delivering instruction and the facilitator shall be responsible for verifying student participation and performance.

g. The providing school or agency shall provide training and/or support in designing course content to fit the delivery methods proposed for distance education courses.

h. The receiving school shall provide adequate and appropriate technical support to students and facilitator.

i. The teacher delivering instruction shall provide alternate course procedures and activities for use in case of technical problems when the technical problems prevent normal course delivery.

j. The teacher delivering instruction shall maintain a secure environment which includes, but is not limited to monitoring online discussions and other instructional activities.

k. The teacher delivering instruction and the facilitator shall practice ethical and legal use of equipment.

l. The receiving school shall provide the facilitator ongoing staff development to support distance education courses technically and instructionally.

m. The facilitator shall implement alternate course procedures and activities when technical problems prevent normal course delivery.

n. The facilitator shall maintain secure environments, including, but not limited to, monitoring online discussions and other instructional activities as they occur in the classroom as directed by the teacher delivering instruction.

o. The receiving school shall ensure that students have appropriate and adequate access to equipment required for course participation.

#### 4. Specifications

a. The receiving school shall provide students enrolled in distance education courses technical access which meets specifications in the *Louisiana Distance Education Handbook*.

b. The receiving school shall provide instructional and communication hardware which meets current industry standards.

c. The receiving school shall provide adequate funding for hardware maintenance.

d. The receiving school shall provide immediate and sustained technical support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:183.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3092 (December 2005).

## Chapter 27. Summer Schools

### Subchapter A. Elementary Summer Schools

#### §2701. General

A. An approved elementary summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system only for purposes of removing student deficiencies.

B. The principal of the school shall apply to the State Department of Education for approval of each summer school program offered to remove student deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

#### §2703. Administration

A. A summer school with seven or more teachers shall have a principal with at least a master's degree.

B. The principal of the school shall apply to the State Department of Education for approval of each summer school program.

C. An application for approval of the offerings of each summer school shall be filed no later than the end of the first week after the summer session begins.

D. The application forms, provided by the State Department of Education, shall be submitted to the appropriate office.

E. The application shall carry the approval of the chief administrative officer of the school system and the principal of the summer school, if applicable.

F. In order for summer schools to be approved, an on-site visit shall be made by personnel from the SDE to verify information submitted on the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

#### §2705. Faculty

A. The eligibility of the faculty shall be equal to that required during the regular session.

B. The teaching load shall not exceed 20 students per class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

#### §2707. Instruction

A. A teacher will be allowed to teach only one subject for removal of deficiencies during a single period.

B. A student attending summer school for promotional purposes shall not enroll for more than two subjects.

C. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

D. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

#### §2709. Attendance

A. The minimum attendance for all elementary students to receive credit or pass a subject shall be 60 hours for one subject.

1. The school may impose a more strict minimum attendance policy.

B. Students attending summer school for promotional purposes must have written consent by the principal of the last school they attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

#### §2711. Time Requirements

A. Elementary summer schools shall offer a minimum of 70 hours of instruction per subject for removal of deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3093 (December 2005).

### §2713. Classification Categories

A. Summer schools shall be given one of the following classification categories:

1. approved—meets all summer school standards;
2. unapproved—deviates from one or more of the summer school standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3094 (December 2005).

### §2715. Sanctions

A. Any unapproved summer school cannot operate a summer school the following year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3094 (December 2005).

## Subchapter B. Secondary Summer Schools

### §2717. General

A. Schools which offer summer school may do so to enable students to schedule courses which tend to enrich their experiences, to take new subjects, and to enable students who have failed in subjects to remove deficiencies. Local school systems which offer summer school shall adhere to the following standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3094 (December 2005).

### §2719. Administration

A. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative office of the school system.

B. A summer school with seven or more teachers shall have a principal with at least a master's degree.

C. The summer school administrator shall have written permission from the principal of the student's home school for the student to attend summer school if credit is to be awarded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3094 (December 2005).

### §2721. Application

A. All summer schools must apply to the State Department of Education for approval.

B. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

C. The application forms provided by the State Department of Education, shall be submitted to the appropriate office.

D. The application must carry the approval of the chief administrative officer of the school system, principal of the school for the regular session, and the principal of the summer school, if applicable.

E. An on-site visit shall be made by personnel from the State Department of Education to verify information submitted on the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2362 (November 2003), amended LR 31:3094 (December 2005).

### §2723. Faculty

A. The eligibility of the faculty shall be equal to that required during the regular session.

B. Teaching load and class size shall not exceed that of the regular session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3094 (December 2005).

### §2725. Instruction

A. No teacher shall be allowed to teach more than two subjects during one period.

B. Library, laboratory, and audiovisual aids shall be available in the facilities used for summer school.

C. Textbooks, supplementary materials, and supplies adequate for effective instruction shall be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3094 (December 2005).

### §2727. Attendance

A. In order to be eligible to receive grades, summer school students shall be in attendance a minimum of 70 hours for 1/2 unit of new credit, or 47 hours for 1/2 unit of repeat credit.

B. The school system or independent school may impose a stricter minimum attendance policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3094 (December 2005).

### §2729. Time Requirements

A. Summer schools shall offer 90 hours of instruction for 1/2 unit of new credit and 60 hours of instruction for 1/2 unit of repeat credit in all subjects.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3094 (December 2005).

### §2731. Classification Categories

A. Summer school shall be given one of the following classification categories:

1. approved—meets all summer school standards;
2. unapproved—deviates from one or more of the summer school standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3094 (December 2005).

**§2733. Sanctions**

A. Any unapproved summer school cannot operate a summer school the following year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3095 (December 2005).

**§2735. Instruction by Private Teachers**

A. Credit may be allowed for high school work completed under private instructors, subject to the following conditions.

1. The instruction must be under the direction of a private tutor only when the tutor is eligible for regular employment in an approved nonpublic high school.
2. The time requirements for credits in a regular high school will apply.
3. The necessary facilities peculiar to a particular subject must be available for instructional purposes.
4. Prior to enrolling a privately tutored course, a student must obtain written approval from the principal of the high school in which he/she is enrolled.

B. Southern Association of Colleges and Schools members school should comply with Principle D Standard 6. (Member schools shall not give credit for private tutoring.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2363 (November 2003), amended LR 31:3095 (December 2005).

**Chapter 29. Standards for Approval of Alternative Schools/Programs**

**Subchapter A. Operation and Administration**

**§2901. Philosophy and Need for Alternative Schools/Programs**

A. If alternative school programs are to be developed and established, they shall respond to particular educational needs within the community.

B. The local educational governing authority shall pass a resolution establishing the need for the alternative school/program and setting forth its goals and objectives.

C. Each alternative school/program shall develop and maintain a written statement of its philosophy and the major purposes to be served by the school/program. The statement shall reflect the individual character of the school/program and the characteristics and needs of the students it serves.

D. The educational school/program shall be designed to implement the stated goals and objectives which shall be directly related to the unique educational requirements of its student body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3095 (December 2005).

**§2903. Approval of Alternative Schools/Programs**

A. Alternative schools/programs shall comply with prescribed policies and standards for regular schools, except for those deviations granted by the State Board of Elementary and Secondary Education.

B. Approval shall be obtained from the State Department of Education prior to the establishment of the alternative school/program.

C. A narrative proposal describing the alternative school/program shall be submitted and shall include the following information:

1. purpose;
2. needs assessment;
3. type (alternative within regular education or alternative to regular education placement);
4. list of the Bulletin 741 Louisiana Handbook for School Administrators, policy and standard deviations;
5. anticipated date of implementation;
6. student eligibility;
7. entrance and exit criteria;
8. total number of students;
9. individual class sizes;
10. detailed outline of curriculum;
11. methods of instruction to meet individual student needs;
12. type and number of staff including qualifications/certification;
13. plan for awarding Carnegie units, when applicable;
14. grading and reporting procedures;
15. plan for parental and community involvement;
16. educational support services;
17. in-service (professional development for personnel);
18. type and location of physical facility;
19. procedure for program evaluation.

D. A school system choosing to implement an alternative school/program shall submit the above proposal to the Division of Family, Career and Technical Education by May 1 for fall semester implementation and November 1 for spring semester implementation

E. Refer to the Alternative Education Handbook.

F. The State Department of Education will provide the SBESE with a listing of approved alternative schools/programs twice annually, in June and December of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3095 (December 2005).

**§2905. Final Approval to Operate**

A. Prior to final approval, the school shall be visited by State Department of Education (SDE) representatives, who will determine the school's suitability for SDE approval.

B. An annual school report based upon the standards for approval of alternative schools shall be made to the State Department of Education (SDE) on or before the date prescribed by the department. Final approval is contingent

upon review and satisfactory compliance with the requirements of the annual school report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3095 (December 2005).

### **§2907. Special Education**

A. Special Education programs within an alternative school shall comply with all applicable State and Federal requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3096 (December 2005).

### **§2909. The Earning of Carnegie Units for Use in Meeting Graduation Requirements**

A. Students enrolled in an alternative school/program shall be allowed to earn Carnegie units when possible.

B. The integrity of the Carnegie unit shall not be diminished by any alternative school/program.

C. The Carnegie units shall be granted by regular or special education teachers qualified in the subject matter areas in which they are teaching.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3096 (December 2005).

### **§2911. Program Evaluation**

A. The education program of the alternative school shall be evaluated on the basis of its stated goals and objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2364 (November 2003), amended LR 31:3096 (December 2005).

### **§2913. Operation and Administration**

A. Each nonpublic school that desires State Board of Elementary and Secondary Education (SBESE) approval and has students receiving special education services shall comply with all applicable federal and state law and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2365 (November 2003), amended LR 31:3096 (December 2005).

## **Chapter 31. Addendum**

### **§3101. Test Security Policy**

A. The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious.

B. Test Security

1. Tests administered by or through the State Board of Elementary and Secondary Education shall include, but not be limited to:

a. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs);

b. all alternate assessments.

2. For purposes of this policy, school districts shall include local education agencies; special school districts; approved special schools such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf, laboratory schools, charter schools, Louisiana School for Math, Science and the Arts; and participating nonpublic/other schools that utilize tests administered through the State Board of Elementary and Secondary Education or the Louisiana Department of Education.

3. It shall be a violation of test security for any person to do any of the following:

a. administer tests in a manner that is inconsistent with the administrative instructions provided by the Louisiana Department of Education (LDE) that would give examinees an unfair advantage or disadvantage;

b. give examinees access to test questions prior to testing;

c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations "Tests Read Aloud" or "Communication Assistance" for students determined to be eligible for those accommodations);

d. copy, reproduce, discuss or use at any time in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;

f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form, written, printed, verbal, or nonverbal;

g. administer published parallel, previously administered, or current forms of any statewide assessment (e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), or Forms K, L, M, and all new forms of The Iowa Tests) as a practice test or study guide;

h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;

i. conduct testing in environments that differ from the usual classroom environment without prior written permission from the Louisiana Department of Education, Division of Student Standards and Assessments;

j. fail to report any testing irregularities to the district test coordinator (a "testing irregularity" is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the Division of Student Standards and Assessments;

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

4. Each school district as described in this policy shall develop and adopt a district test security policy that is in

compliance with the state's test security policy. A "Statement of Assurance" regarding the LEA's test security policy must be submitted annually to the Louisiana Department of Education, Division of Student Standards and Assessments. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:

a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), video tapes, and completed observation sheets;

b. for the storage of all tests materials, except district and school test coordinator manuals and test administration manuals, in a predetermined, secure, locked area before, during, and after testing; all secure materials, including any parallel forms of a test, must be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended;

c. a description and record of professional development on test security, test administration, and security procedures for individual student test data provided for all individuals with access to test materials or individual student test data ("access" to test materials by school personnel means any contact with or handling the materials but does not include reviewing tests or analyzing test items, which are prohibited);

d. a list of personnel authorized to have access to the locked, secure storage area;

e. procedures for investigating any testing irregularities, including violations in test security, such as plagiarism and excessive wrong-to-right erasures identified through erasure analysis;

f. procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests, as required by the amended R.S. 17:81.6;

g. procedures for the investigation of any missing test booklets, answer documents, or supplementary secure material (e.g., writing projects, science tasks);

h. procedures for ensuring the security of individual student test data in electronic and paper formats.

5. Procedures for investigating missing secure materials, any testing irregularity (including cheating), and any employees accused of improprieties must, at a minimum, include the following.

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the State Department of Education. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

b. The location of the predetermined, locked, secure area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified.

c. Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time must be interviewed.

d. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

e. After completion of the investigation, the district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Louisiana Department of Education are authorized to conduct additional investigations.

6. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the Louisiana Department of Education. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks). Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a predetermined, secure, locked storage area prior to and after administration of any test; test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in a locked, secure location each day of testing.

b. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks), or the quantity received from contractors must be reported to the Division of Student Standards and Assessments (LDE) by the designated institutional or school district personnel prior to the administration of the test.

d. In the event that test booklets, answer documents, or supplementary secure materials (e.g., writing prompts, science tasks) are determined to be missing while in the possession of the institution or school district or in the event of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the Division of Student Standards and Assessments (LDE) and follow the detailed procedures for investigating and reporting specified in this policy.

7. Only personnel trained in test security and administration shall be allowed to have access to or administer any standardized tests.

8. Each district superintendent or institution must annually designate one individual in the district or institution

as district test coordinator who is authorized to procure test materials that are utilized in testing programs administered by or through the State Board of Elementary and Secondary Education of the Louisiana Department of Education. The name of the individual designated must be provided in writing to the Division of Student Standards and Assessments (LDE) and included on the statement of assurance.

9. Testing shall be conducted in class-sized groups. *Bulletin 741* (2.038.01–02) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller (*Bulletin 741*, 2.038.05). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the Louisiana Department of Education, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the LEA must provide at least one proctor for every 30 students.

10. The State Superintendent of Education may disallow test results that may be achieved in a manner that is in violation of test security.

11. The Louisiana Department of Education shall establish procedures to identify:

- a. improbable achievement of test score gains in consecutive years;
- b. situations in which collaboration between or among individuals may occur during the testing process;
- c. a verification of the number of all test distributed and the number of tests returned;
- d. excessive wrong-to-right erasures for multiple-choice tests;
- e. any violation to written composition or open-ended responses that involves plagiarism;
- f. any other situation that may result in invalidation of test results.

12. In cases in which test results are not accepted because of a breach of test security or action by the Louisiana Department of Education, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.

13. Individuals shall adhere to all procedures specified in all manuals that govern mandated testing programs.

14. Any individual knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program for the 21st Century (LEAP 21), graduation exit examination for the 21st Century (GEE 21), or graduation exit examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

15. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the State Board of Elementary and Secondary Education or the Louisiana

Department of Education shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeited, or altered identification for the purpose of obtaining admission to any test administration site must forfeit all test scores but will be allowed to retake the test at the next test administration.

16. School districts must ensure that individual student test data are protected from unauthorized access and disclosure. District test coordinators, principals, school test coordinators and other authorized users of the LEAP<sup>web</sup> reporting system and LEAP<sup>data</sup> system must ensure the security of passwords, any disks or CDs with downloaded individual student test data, and student-level test data open on a computer screen. All users must sign a statement guaranteeing they will not share the password with unauthorized individuals and maintain the confidentiality of student data. A copy of the signed statement should be sent to the district test coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site must not use or share the password. District test coordinators are responsible for providing training regarding the security and confidentiality of individual student test data (in paper and electronic format) and of aggregated data of fewer than ten students.

17. Louisiana Department of Education staff will conduct site visits during testing to observe test administration procedures and to ensure that appropriate test security procedures are being followed. Schools with prior violations of test security or other testing irregularities will be identified for visits. Other schools will be randomly selected.

18. Any teachers or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions of R.S. 17:416 et seq., R.S. 17:441 et seq., R.S. 17:81.6 et seq., policy and regulations adopted by the Board of Elementary and Secondary Education, and any and all laws that may be enacted by the Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2365 (November 2003), amended LR 31:3096 (December 2005).

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Executive Director

0512#009

## **RULE**

### **Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
Educational Diagnostician  
(LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This policy allows the issuance of a one-year

provisional endorsement as an Educational Diagnostician to an individual who has completed all requirements for certification in this area with the exception of the 100 clock-hour internship. At the present time an individual must have certification as an Educational Diagnostician to serve in this capacity. This one-year provisional endorsement will allow an individual who has not completed the internship the ability to serve in this position while the internship is being completed.

**Title 28**  
**EDUCATION**

**Part I. Board of Elementary and Secondary Education**  
**Chapter 9. Bulletins, Regulations, and State Plans**  
**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183 (April 1975), LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002); LR 29:117 (February 2003); LR 29:119 (February 2003); LR 29:121 (February 2003), LR 31:3099 (December 2005).

\* \* \*

**Educational Diagnostician (Special Education)**

A. Endorsement Requirements:

1. a minimum of a master's degree in education earned from a regionally accredited institution of higher education;
2. hold a valid Type B or Level 2 Louisiana teaching certificate, and meet one of the following guidelines:
  - a. hold generic special education certification, with at least one year of classroom teaching experience in a properly certified area of special education;
  - b. hold certification in at least two special education disability areas (e.g., mentally retarded, learning disabled), with at least one year of teaching experience in a properly certified area of special education. Academically gifted is not an accepted special education area;
3. reading credit, as follows:
  - a. elementary/middle grades majors: Six semester hours in diagnosis and remediation of reading problems, three semester hours of which may be undergraduate coursework;
  - b. secondary/all-level majors: Nine semester hours of reading coursework, with six of the semester hours in diagnosis and remediation of reading problems and three of the semester hours in foundations of reading. Three of the required semester hours may be undergraduate coursework;
4. have completed a minimum of 21 semester hours of graduate credit, as follows:
  - a. applied learning theory, 3 semester hours;
  - b. behavioral intervention strategies, including systematic behavioral assessment (this course must include 25 child contact hours), 3 semester hours;
  - c. consulting teacher strategies, 3 semester hours;
  - d. precision assessment and diagnostic/prescriptive strategies, 3 semester hours;
  - e. test theory, 3 semester hours;
  - f. educational diagnosis, 3 semester hours;

g. supervised internship, to include 100 child contact clock hours\*, 3 semester hours.

\*This course must include fieldwork involving the administration, scoring, and interpretation of norm-referenced and criterion-referenced individual educational tests; working with School Building Level Committees; teacher consultation; and implications for educational intervention through the development of the individualized assessment/intervention plan. This course may be completed while employed on a provisional endorsement.

B. Provisional Educational Diagnostician: A one-year provisional endorsement as an Educational Diagnostician may be issued if all requirements have been completed, with the exception of the 100-contact-hour internship. The intern employed on a provisional endorsement must work under a certified Educational Diagnostician who has a minimum of five years of field experience in that position. At the time of employment, the Louisiana employing authority must submit verification of the supervision component. Until the internship is completed and the provisional status is removed from the intern's certificate, the supervising Educational Diagnostician shall sign all reports and evaluations involving the intern.

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Weegie Peabody  
Executive Director

0512#011

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State  
Certification of School Personnel  
NCLB Requirements for Title I Paraprofessionals  
(LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. In 2003, the State Board of Elementary and Secondary Education adopted multiple pathways for a paraprofessional to achieve highly qualified status. This revision in policy will align pathways so that paraprofessionals have similar skill levels and abilities since their employment capacity may change from year to year. This revision of policy will reduce the number of credit hours required in mathematics from nine credit hours to six credit hours for those individuals seeking to meet the NCLB highly qualified requirements for paraprofessionals following "Pathway 2", the 48 hour pathway.

**Title 28**  
**EDUCATION**

**Part I. Board of Elementary and Secondary Education**  
**Chapter 9. Bulletins, Regulations, and State Plans**  
**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183 (April 1975), LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002); LR 29:117 (February 2003); LR 29:119 (February 2003); LR 29:121 (February 2003), LR 31:3099 (December 2005).

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**NCLB Requirements for Title I Paraprofessionals**

The U.S. Department of Education specifies that paraprofessionals should be able to demonstrate knowledge of and the ability to assist in instruction in the areas of reading, writing, and math, or in "school readiness." Paraprofessionals are expected to have a working knowledge of these academic areas. Louisiana will offer all paraprofessionals three pathways to meet federal requirements.

All Title I paraprofessionals hired on or before January 8, 2002, and working in a program supported with Title I funds must meet the following requirements by January 8, 2006. All Title I paraprofessionals hired after January 8, 2002, must meet the following requirements to be hired:

1. Possess a secondary school diploma or its recognized equivalent (e.g., Graduate Equivalency Examination—GED). (NOTE: This includes paraprofessionals who serve as translators or who conduct parental involvement activities.); and
2. Pass a State approved assessment for paraprofessionals; OR Obtain an associate (or higher) degree at a higher education institution; OR Complete two years of full time study at an institution of higher education.

**Highly Qualified Paraprofessional in Louisiana**

<b>New to the Profession</b>
<b>Pathway 1:</b> Has passed the Educational Testing Service Para-Pro Assessment; OR
<b>Pathway 2:</b> Has two years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from a regionally accredited institution(s) of higher education. A total of 15 hours of general education course requirements include English Composition (3), English/Reading (6), and Mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job; OR
<b>Pathway 3:</b> Has Associate of Arts or Associate of Applied Science degree from a state-approved or regionally accredited institution of higher education.
<b>"Not New" Paraprofessionals (By January 2006)</b>
<b>Pathway 1:</b> Has passed the Educational Testing Service Para-Pro Assessment; OR
<b>Pathway 2:</b> Has two years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from a regionally accredited institution(s) of higher education. A total of 15 hours of general education course requirements include English Composition (3), English/Reading (6), and Mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job; OR
<b>Pathway 3:</b> Has Associate of Arts or Associate of Applied Science degree from a state-approved or regionally accredited institution of higher education; OR

**Pathway 4:** Has successfully completed the ACT, Inc., Work Keys skills assessments and on-the-job observation.

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0512#012

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel Out-of-State Principal Certification (LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This policy allows the issuance of a standard, three-year, non-renewable Louisiana teaching certificate that authorizes certification as principal in Louisiana of an individual who has an out-of-state certification as principal. An out-of-state principal certificate is issued to individuals who have not met Louisiana's PRAXIS and/or NTE requirements. At present, for an out-of-state individual to become certified in Louisiana to serve as a principal they must first become certified in Louisiana as a regular classroom teacher. This policy would allow an individual who is certified in another state as a principal and has four years of successful experience of serving as a principal to be issued a three-year non-renewable Louisiana certificate to serve in this capacity. If the individual meets all other requirements for certification as stipulated by state statute or board policy and completes one-year of serving as a principal in a Louisiana public school system, the local superintendent or designee may recommend that person be granted full certification as an elementary or secondary principal. This policy will allow the individual to be exempt from the PRAXIS requirement.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations §903. Teacher Certification Standards and Regulations A. Bulletin 746**

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 1:183 (April 1975), LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975); LR 28:2505 (December 2002); LR 29:117 (February 2003); LR 29:119 (February 2003); LR 29:121 (February 2003), LR 31:3100 (December 2005).

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*Out-of-State Principal*—a standard, three-year, non-renewable Louisiana teaching certificate that authorizes

certification as principal in Louisiana of an individual who has an out-of-state certification as principal. An out-of-state principal certificate is issued to individuals who have not met Louisiana's PRAXIS and/or NTE requirements.

**Eligibility Requirements:**

1. A valid out-of-state certificate as an elementary or secondary principal.

2. At least four years of successful experience as a secondary or elementary principal in another state as verified by the previous out-of-state school district(s) from satisfactory annual evaluation results.

3. With the completion of one year of employment as a principal in the Louisiana public school system once the three-year out-of-state Louisiana certificate was issued an individual shall not have to complete the required examinations or to submit examination scores from any examination previously taken in another state as prerequisite to the granting of certification as elementary or secondary principal in Louisiana provided that:

A. Administrator meets all other requirements for a Louisiana certificate as required by law or board policy; and

B. The local superintendent or his designee of the public school system employing the principal has recommended him/her for employment for the following school year and has requested that the teacher be granted a valid Louisiana certificate as elementary principal or secondary principal.

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Weegie Peabody  
Executive Director

0512#013

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Temporary Authority to Teach (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy will require the passage of PRAXIS Pre-Professional Skills Tests: Reading and Writing prior to the issuance of any Temporary Authority to Teach (TAT) certificate. It will also require that, at the end of the three-year period for which an individual was employed on this policy, they must fulfill guidelines for a Practitioner License or higher-level certificate. The following revision of this policy will also allow two additional conditions for employment on a TAT certificate: a) an individual may have a minimum of a 2.0 GPA but does not have the required 2.20 GPA for admission to an alternate program and b) an applicant who has a minimum of a 2.35 GPA on a 4.00 scale and has completed all other requirements for certification may be employed on a TAT certificate. The revisions to the TAT policy will streamline and clarify the policy for

individuals and districts and will provide avenues for employment for individuals who do not have the required grade point average but otherwise fulfill all other certification requirements.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

**A. Bulletin 746**

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 31:3101 (December 2005).

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**Nonstandard Teaching Authorizations**

An initial fee is paid with a first application for a nonstandard teaching authorization. There is no fee required for renewal.

I. Temporary Authority to Teach (TAT)—May be issued for one school year, renewed annually, and held a maximum of three years while the holder pursues alternate certification program admission requirements or certification requirements. Upon completion of the three years of employment on this certificate, for continued employment as a teacher in a Louisiana school system, the holder must fulfill guidelines for a Practitioner License or a higher-level certificate.

A. An applicant must have passing scores on the Praxis Pre-Professional Skills Tests (PPSTs) Reading and Writing exams. Applicants who meet this eligibility standard can apply for a TAT based on the following four conditions of eligibility:

1. Condition 1: Issued to an applicant who graduates from a teacher preparation program, does not pass all Praxis exams, and who has not previously qualified for a Louisiana standard teaching authorization.

Renewal Guidelines 1: Teacher must take the necessary Praxis examinations at least twice a year.

2. Condition 2: Issued to an applicant who holds a minimum of a baccalaureate degree from a regionally-accredited institution, who applies for admission to a Practitioner teacher or other alternate program, but (a) does not pass the Praxis examinations required for admission to the program, and/or (b) has a minimum of a 2.0 GPA but does not have the required 2.20 GPA for admission to an alternate program.

Renewal Guidelines 2(a): The teacher must successfully complete a minimum of six credit hours per year in the subject area(s) that he/she is attempting to pass on the Praxis and take the necessary exams at least once a year; and/or

Renewal Guidelines 2(b): The teacher must successfully complete a minimum of six credit hours per

year to raise the GPA to a 2.20 as required for admission to an alternate program.

3. Condition 3: Issued to an applicant who holds a minimum of a baccalaureate degree from a regionally-accredited college or university and is hired after the start of an available alternate certification program.

Renewal Guidelines 3: The teacher must apply for admission to an alternate certification program and take the appropriate Praxis examinations required for admission to that program.

4. Condition 4: Issued to an applicant who has a minimum of a 2.35 GPA on a 4.00 scale and has completed all other requirements for certification.

Renewal Guidelines 4: Teacher must successfully complete a minimum of six semester credit hours per year to obtain the 2.50 GPA on a 4.00 scale that is required for certification purposes.

B. TAT Stipulations:

1. Districts may recommend that teachers be given the one-year TAT according to the stipulated eligibility and renewal conditions.

2. Districts submit the application and provide an affidavit signed by the local superintendent verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued on the Teach Louisiana Recruitment Center; that "there is no regularly certified, competent, and suitable person available for the position"; and that the applicant is the best-qualified person for the position.

C. If an applicant fails to complete required renewal guidelines, the TAT will not be renewed. Exception to this policy will be considered in the case of a serious medical condition.

Medical Excuse: When serious medical problems of the teacher or his/her immediate family exist, a doctor's statement is required with a letter of assurance from the teacher that the unmet requirements will be completed prior to the beginning of the next school year.

\* \* \*

Weegie Peabody  
Executive Director

0512#014

## RULE

### Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities (LAC 28:XCVII.901-907)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, Board of Elementary and Secondary Education amended *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*. The addition of Chapter 9, LEAP Alternate Assessments, to Bulletin 1530 is to meet federal requirements and establish guidelines for the participation of students with disabilities in alternate assessments that cannot participate in regular assessment. The criteria for alternate assessment are used in accountability, assessment, and pupil progression.

## Title 28

### EDUCATION

#### Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities

#### Chapter 9. LEAP Alternate Assessments

##### §901. Participation in Assessments

A. All special education students must participate in statewide assessments.

B. Students are to take the test that corresponds to the grade in which they are enrolled.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3102 (December 2005).

##### §903. Types of Alternate Assessments

A. LEAP Alternate Assessment, Level 1 (LAA 1). The LAA 1 is a performance-based student assessment that evaluates each eligible special education student's knowledge and skills in targeted areas. It is an "on-demand" assessment, which means the test administrator directs the student to perform a specific task and then scores the student's performance after the task is completed.

B. LEAP Alternate Assessment, Level 2 (LAA 2). The LAA 2 is a criterion-referenced test designed for students with persistent academic disabilities who are served under the Individuals with Disabilities Education Improvement Act (IDEA) to participate in academic assessments that are sensitive to measuring progress in their learning.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3102 (December 2005).

##### §905. Participation Criteria

A. LEAP Alternate Assessment, Level 1 (LAA 1)

1. Only students with the most significant cognitive disabilities are eligible to participate in LEAP Alternate Assessment, Level 1 (LAA 1).

a. The student's impairments cause dependence on others for most, if not all, daily living needs, and the student is expected to require extensive ongoing support in adulthood.

b. The student's instructional program emphasizes life skills and functional applications of the general curriculum.

c. The student requires extensive instruction on functional skills in multiple settings (e.g., school, work, home, community) to acquire, maintain, and generalize skills necessary for application in school, work, home, and community environments.

d. Current longitudinal data (e.g., classroom observation, task analyses, progress on IEP objectives, evaluations, and parental information) indicate the student should participate in LAA 1.

2. Student Safeguards

a. The decision for LAA 1 is not solely based on the student's placement.

b. The decision for LAA 1 is not solely based on the student's disability according to Bulletin 1508.

c. The decision for LAA 1 is not solely based on excessive or extended absences.

d. The decision for LAA 1 is not solely based on social, cultural, and/or economic differences.

e. The decision for LAA 1 is not based on its anticipated impact on School Performance Scores.

f. The decision for LAA 1 is an IEP team decision based on the needs of the student; it is not an administrative decision.

3.a. A student with one of the three exceptionalities below is considered to have a significant cognitive disability:

- i. moderate mental disability;
- ii. severe mental disability;
- iii. profound mental disability; or

b. a student with one of the three exceptionalities below may function like a student with a significant cognitive disability:

- i. multiple disabilities;
- ii. traumatic brain injury;
- iii. autism; or

c. it is possible, though unlikely, that the LEAP Alternate Assessment may be the appropriate assessment for a student with some other exceptionality who functions like a student with a significant cognitive disability.

B. LEAP Alternate Assessment, Level 2 (LAA 2)

1. The student scored at the *Unsatisfactory* level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or participated in the LAA 1 or for the 2005-06 school year only, the student's previous year's Total(s) on The Iowa Tests in language, reading, and/or mathematics was/were at or below the fifth percentile.

2. The student's IEP reflects a functioning grade level in English language arts (including reading) and/or mathematics at least three grade levels below the actual grade level in which he or she is enrolled.

3. The student's instructional program is predominately academic in nature, and may include application of academic content across environments to ensure generalization of skills.

4. The decision to test a student in LAA 2 is not based on a disability category.

5. The decision to test a student in LAA 2 is not based on placement setting.

6. The decision to test a student in LAA 2 is not determined administratively.

C. LAA 1 and LAA 2 Participation Criteria forms can be located in Bulletin 1530, Section 2.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3102 (December 2005).

#### §907. Test Accommodations

A. The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP.

B. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

C. Test accommodations are described in Bulletin 118, Statewide Assessment Standards and Practices in Chapter 33.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3103 (December 2005).

Weegie Peabody  
Executive Director

0512#015

### RULE

#### Board of Elementary and Secondary Education

##### Bulletin 1566—High Stakes Testing Policy (LAC 28:XXXIX.503 and 1301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Elementary and Secondary Education amended *Bulletin 1566—Guidelines for Pupil Progression* (LAC 28:XXXIX). The revisions to the High Stakes Testing Policy and to Bulletin 1566 are to meet federal requirements and establish guidelines for the participation of students with disabilities in alternate assessments who cannot participate in regular assessment. The criteria for alternate assessment are used in accountability, assessment, and pupil progression.

#### Title 28

#### EDUCATION

##### Part XXXIX. Bulletin 1566—Guidelines for Pupil Progression

#### Chapter 5. Placement Policies, State Requirements

#### §503. Regular Placement

A. - A.1.c.vi.(b). ...

vii. Students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA) participating in LEAP 21 Alternate Assessment. Students with disabilities who participate in the LEAP 21 Alternate Assessment, Level 1 (LAA1), shall have promotion decisions determined by the SBLC.

(a). Students with disabilities who participate in the LEAP Alternate Assessment, Level 2 (LAA2), shall have promotion decisions determined by the SBLC.

viii. - xii. ...

(a). Students with disabilities who participate in LEAP 21 Alternate Assessment, Level 1 (LAA1), are not eligible to attend LEAP 21 summer remediation programs.

(b). Students with disabilities who participate in LEAP Alternate Assessment, Level 2 (LAA2), are eligible to attend LEAP summer remediation programs.

A.1.c.xiii. - D.1.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:3103 (December 2005).

**Chapter 13. Appendix B**  
**§1301. LEAP for the 21st Century, High Stakes Testing Policy**

A. - A.3.b. ...

c. students with disabilities who participate in LEAP Alternate Assessment, Level 1 (LAA1), are not eligible to attend the LEAP 21 summer remediation programs.

d. Students with disabilities who participate in LEAP Alternate Assessment, Level 2 (LAA2), are eligible to attend LEAP summer remediation programs.

4. - 6.a.ii.(c). ...

b. Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA) participating in LEAP Alternate Assessments

i. Students with disabilities who participate in the LEAP Alternate Assessment Level 1 (LAA1), shall have promotion decisions determined by the SBLC.

ii. Students with disabilities who participate in the LEAP Alternate Assessment, Level 2 (LAA2), shall have promotion decisions determined by the SBLC.

6.c. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:1008 (July 2001), amended LR 27:1683 (October 2001), LR 28:1189 (June 2002), LR 29:123 (February 2003), LR 31:3104 (December 2005).

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**RULE**

**Board of Elementary and Secondary Education**

Bulletin 1922—Compliance Monitoring Procedures  
(LAC 28:XCI.101, 105-111, 301-317, 507, and 509)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1922—Compliance Monitoring Procedures* (LAC Title 28, Part Number XCI). These changes clarify that all local education agencies must be monitored, eliminates the exemplary category, and adds a new category called targeted monitoring. It also clarifies that agencies must begin correcting non-compliance upon receipt of the monitoring report, requires agencies to develop an intensive corrective action plan (ICAP) when compliance is not reached in one year, requires additional actions in conjunction with the ICAP, and allows the state superintendent to impose special conditions on the agencies IDEA Part B grant award without the need for approval from the State Board of Elementary and Secondary Education. This new monitoring process began in 1999 and, after five years of implementation, changes were needed to make the process more effective.

**Title 28**  
**EDUCATION**  
**Part XCI. Bulletin 1922—Compliance Monitoring Procedures**

**Chapter 1. Overview**

**§101. Monitoring**

A. ...

B. The monitoring system for Louisiana, through the analysis of various quantitative and qualitative data, will focus state resources on improving educational program outcomes for students with exceptionalities through a comprehensive, data-based process. Annually, the Louisiana Department of Education (LDE) will select a list of specific variables and performance indicators for comparative purposes for all local educational agencies providing services to children with exceptionalities. This list is a combination of federally-required indicators and state performance indicators.

C. The quantitative data will be used to determine specific performance profiles for local educational agencies (LEAs) using data relative to a set of variables. Performance profiles will be issued annually. The quantitative data will be collected in relation to a set of variables selected by a statewide group of stakeholders from various agencies and entities called the Continuous Improvement Monitoring Process (CIMP) Steering Committee. This group will meet at least annually with the Louisiana Department of Education (LDE) to select only specific variables or "focus indicators" from all of the variables. The variables selected as "focus indicators" will be used to determine a LEA's performance status.

D. LEAs will be placed in one of two performance categories within one of four population groups based on the total population of students attending public schools. Upon validation of quantitative data, LEAs will be notified of their performance status. The performance categories are focus and continuous improvement.

1. LEAs designated as focus will receive an on-site compliance monitoring visit in order to review qualitative data specific to selected qualitative indicators that focus on the LEA's lowest performing indicator areas. Additional data may be reviewed prior to and during the on-site visit.

2. The LEAs designated as continuous improvement will not be targeted to receive an on-site compliance visit. Some districts may be required to develop a corrective action plan because of triggers within the data that signify concerns such as when the performance of students with disabilities is disproportionately below the state average in any of the required performance indicators. These performance indicators include, but are not limited to suspension, diploma, dropout, and state-wide assessment rates. Through the LEA application process and self-review summaries, LEAs will, for that year, document and track improvement strategies. This documentation will include, not only the allocation of monies in the LEA grant application to target corrective action specific to noncompliance issues revealed in the LEA's self-review

summaries, but also written documentation and tracking of other means of corrective action the LEA has taken.

3. When critical issues of noncompliance are identified by means other than the performance profiles (including, but not limited to complaint logs, evaluation extension requests, and financial risk assessments), a targeted on-site compliance monitoring visit of the LEA may be required by the LDE.

E. Annually, there will also be selected at random a group of LEAs which the LDE will visit for an on-site compliance review. The on-site review for the LEAs designated as random will include a review of a sampling of the qualitative indicators for all special education compliance areas. Eight will be chosen from the continuous improvement category.

F. Embodied in this process are proactive measures of self-evaluation, support, and technical assistance to ensure compliance with all regulatory requirements at the federal and state levels. Findings from data analysis, as well as findings from the on-site compliance visit, will be used to determine and allocate various resources for technical assistance and support to the LEA by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:414 (March 2004), amended LR 31:3104 (December 2005).

#### **§105. Local Educational Agencies (LEAs)**

A. Local Educational Agencies (LEAs) to be monitored are:

1. - 3. ...
4. Type 2 and 5 Charter Schools; and
5. University Laboratory Schools not under the administration of a school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005).

#### **§107. Corrective Action and Sanctions**

A. The LDE has the responsibility to monitor all public educational agencies with programs for exceptional children within the state for compliance with applicable state and federal laws, regulations, and standards.

B. The LDE is authorized to take actions necessary to ensure compliance. Failure on the part of a participating agency to comply may result in the LDE withholding funds from the said agency. The affected agency will be afforded an opportunity for a hearing.

C. Each LEA monitored and found to have non-compliant findings will be required to develop a corrective action plan (CAP) after receipt of the LDE's monitoring report in collaboration with the LDE. The CAP shall be submitted to the LDE within 35 business days of receipt of the monitoring report for approval. However, upon receipt of the report, the LEA shall immediately begin correcting the non-compliant findings documented in the report. Based on a one-year timeframe, the plan will address the activities the LEA will implement to correct the areas of non-compliance identified during the on-site visit.

D. The progress toward completing the activities in the plan will be tracked by the LDE to determine if the timelines are being met. LEAs will submit evidence and data as

requested by the LDE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan. Based on a review of submitted evidence, the LDE will decide whether the LEA has met compliance requirements or a follow-up, on-site visit must be conducted to determine if the LEA has made systemic changes to correct non-compliant issues addressed in the corrective action plan.

E. A written report of the findings from a review of the submitted evidence or from a follow-up visit will be issued to the LEA by the LDE within 30 business days of the review of the evidence or the on-site visit. When the Corrective Action Follow-Up Report for a LEA indicates that the LEA has remaining non-compliant findings, and there is not sufficient documented evidence provided within the mandated timeframe, the LEA will receive a letter directing the LEA to submit additional information within thirty business days to prove the deficiencies have been corrected and informing the LEA of the possibility of sanctions if the issues are not immediately corrected.

F. At the end of the 30 business days in Subsection E above, if the LEA has not produced sufficient data to indicate that compliance has been met, the LDE shall impose further corrective action and sanctions on the LEA.

G. When an LEA has not produced sufficient data to indicate that compliance has been met through the approved Corrective Action Plan, the department will require that an Intensive Corrective Action Plan (ICAP) be developed by the LEA in collaboration with the department to address the continuing non-compliant findings. In conjunction with the implementation of the approved plan, the department will take one or more of the following sanctions described below.

NOTE: These sanctions are not on a continuum but can be taken at any time based on the severity of the continuing non-compliance.

1. Direct the LEA to present the ICAP to the local school board for approval.

2. Direct the LEA to use IDEA Part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the department of the specific funds targeted for areas of non-compliance. The department will monitor the expenditure of such funds on a consistent basis.

3. The department will appoint a special consultant or management team to oversee the intensive CAP, which will be funded at the local level. The CAP appointment of the special consultant or management team must be submitted to the local school board.

4. Identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA Part B grant. The department will impose one or more of the following special conditions.

a. For each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA Part B grant until the department determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.

b. Seek to recover funds under Section 452 of the General Education Provisions Act.

c. Withhold, in whole or in part, any further payments to the LEA under this part pursuant to Subparagraph a.

d. Refer the matter for other appropriate enforcement action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005).

### **§109. Components of the Continuous Improvement Monitoring Process**

A. ...

B. The monitoring system will incorporate and utilize strategies and components as listed below.

1. Analyze self-review summaries completed at the local level, which are integrated to review the appraisal process as it relates to the development and implementation of programming, as well as review programming issues.

2. Analyze current data elements and databases that are captured by the LDE and are directly related to student outcomes.

3. Analyze the LEA grant application to track and monitor the allocation and use of Part B funds targeted to address priorities revealed through previous data sources in the monitoring process, as well as policy and procedural assurances.

4. Review complaint management logs regarding specific complaints in individual LEA.

5. Analyze Extended School Year Program data.

6. Analyze Annual School Report data.

7. Analyze district and school accountability profiles.

8. Analyze FAPE tables and other mandated federal data reporting (i.e., personnel tables, child count data).

9. Review ongoing fiscal monitoring of the use of Parts B funds through on-site visits and project completion reports.

10. Analyze Pupil Progression Assurances/Reviews.

11. Review personnel files and training documentation.

12. Track corrective action on noncompliant issues and validate previous corrective action reviews, documentation, and on-site reviews.

12. - 15. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005).

### **§111. Purpose**

A. The LDE has the responsibility to ensure that each participating agency in the state is in compliance with all applicable federal and state laws, regulations and standards required for the provision of a free and appropriate public education for all exceptional children for whom each is legally responsible. To fulfill this responsibility, the LDE has established a purpose for conducting monitoring, as well as procedures and strategies that provide ongoing monitoring activities. The procedures provide continuous and comprehensive monitoring of all aspects of special education including the following:

1. - 7. ...

B. In Louisiana, the purpose of compliance monitoring is three fold:

1. to enforce legal requirements;

2. to ensure program effectiveness; and

3. to ensure corrective action, when needed, has been taken.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005).

### **Chapter 3. Operational Procedures for Compliance Monitoring**

#### **§301. Categories of Monitoring**

A. All LEAs are placed in performance profile categories on an annual basis. The performance profile is based upon an analysis of quantitative data collected by the LDE.

B. Monitoring will focus on the variables selected annually as focus indicators. LEAs will be profiled on the focus indicators in defined population groups. On-site visits will be determined based on performance profiles rather than on cyclical scheduled on-site visits. LEAs designated as focus will be subject to on-site compliance visits.

C. A group of school LEAs will be selected at random for on-site compliance visits. A sampling of the qualitative indicators from each area will be reviewed in these LEAs.

D. LEAs not identified as focus or random will be classified as continuous improvement. These will not be subject to on-site visits. The identification of non-compliant issues and corrective action necessary to remedy these issues in continuous improvement LEAs will be tracked by the LDE through the validation of the self-review process in these LEAs.

E. In the event that critical issues of noncompliance are identified by means other than the performance profiles (including but not limited to complaint logs, evaluation extension requests, and financial risk assessments), targeted on-site compliance visit of the LEA may be required by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

#### **§303. Timelines**

A. Before the start of each monitoring cycle, each LEA will be issued a performance profile and a designation into which category the LEA fell. Within two weeks after the designations are made, a schedule of on-site visits will be issued to LEAs designated as focus and random.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

#### **§305. On-Site Visits**

A. ...

B. Non-employees selected to serve as team members will be initially required to receive a minimum of 16 hours of professional development specific to conducting on-site monitoring, conducted by the LDE, with follow-up training on an annual basis. In addition, team leaders, serving in coordination with staff team leaders, will be required to receive 32 hours of professional development specific to leadership, investigative techniques for specific regulatory areas, and assimilating data for report writing conducted by

the LDE, with follow-up training annually and throughout the year as determined by the state monitoring coordinator. Participants will receive a certificate that indicates their completion of the required annual professional development activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005).

### **§307. Regulatory Issues Reviewed On-Site**

A. For focus category LEAs, the regulatory issues and qualitative indicators reviewed will be specific to the variables targeted in the LEA's performance profile. These visits will focus on selected issues. In the event that other critical issues or triggers are identified by means other than the performance profiles, the LDE will direct the team to monitor those issues for non-compliance. These other means may include, but are not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

B. For random category LEAs, the on-site team will review a sampling of qualitative indicators from each of the variables on the performance profile, and any other critical issues or triggers identified by other means including, but not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

C. The LDE will reserve the right to direct the team to review any and all regulatory issues that indicate non-compliance status in a LEA.

D. Data for the following major regulatory issues will be analyzed, reviewed, and utilized in the self-review and on-site monitoring process:

D.1. - 14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3107 (December 2005).

### **§309. Activities Conducted Prior to the On-Site Visit**

A. Prior to the on-site visit, quantitative data collected by the LDE specific to the LEA will be reviewed and analyzed, and will include the following:

1. self-review data submitted by the LEA;

2. - 3. ...

4. complaint logs and due process hearings relative to the LEA;

5. files/logs indicative of technical assistance provided to the LEA by the LDE;

6. - 11. ...

12. any other data the LDE determines is necessary to review as part of a comprehensive data review of the LEA.

B. The LEA supervisor/director of special education will be contacted, if necessary, for clarification of any concerns regarding the data. The data analysis will determine the locations within the LEA to be visited, the number and types of records to be reviewed, the methods that will be used for validation of qualitative issues during on-site visits, and the composition of the monitoring team.

C. A meeting with the selected team members will be conducted to:

1. summarize, analyze, and review the LEA's data;

2. ...

3. discuss any unique circumstances or issues regarding the on-site visit to the LEA;

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

### **§311. Activities Conducted During the On-Site Visit**

A. The monitoring team will meet briefly with the representatives of the LEA to discuss how the visit will be conducted and to discuss any logistical or travel issues of concern.

B. The parent team member will conduct a parent focus group meeting and interview parents to collect data/information on their satisfaction of the services provided to their children and their involvement in their children's program.

C. Team members will visit sites, make observations, review records, and interview personnel. Student input will be collected through a student focus group meeting or interviews.

D. A member of the team will meet with the LEA special education director to review administrative issues. Additional data/information may be requested if further analysis is required for determining compliance status for specific regulatory issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

### **§313. Activities/Procedures at the Completion of the On-Site Visit**

A. At the completion of the on-site visit, the team will meet to discuss, review, and analyze the team findings and to summarize their findings on LDE-issued forms. A department staff team member will meet with representatives of the LEA at the conclusion of the on-site visit.

B. A preliminary draft of a Summary of Findings will be compiled no later than 10 business days after the completion of the on-site visit.

C. The LDE will mail the Summary of Findings to the LEA no later than 60 business days after the completion of the on-site monitoring visit.

D. Upon receipt of the report, the LEA will have 20 business days from the date of receipt of the report to respond to any findings, and 15 additional business days to develop a plan of corrective action to address non-compliant findings described in the summary.

E. The LEA, in collaboration with the LDE, will be required to design a corrective action plan that defines specific supports and resources that the LEA must have in order to implement the corrective action plan.

F. Timelines must be developed that are specific to the corrective action required and to the issues found to be in non-compliant status. The LEA must return the report to the LDE in hard copy and electronically.

G. The LDE will allocate resources from the state level, both human and monetary, when determined necessary by the LDE and the LEA in question, on an annual basis to

address the issues specific to implementing the corrective action required in LEA.

H. If the LEA does not accept the findings, there will be a period of 10 business days allowed for discussion and clarification of the findings and discussion of needed corrective action to become compliant.

I. If acceptance of the report by the LEA is not reached within the established timelines, the State Director of Special Education will, within five business days, notify the State Superintendent of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005).

### **§315. Validation of Corrective Action**

A. Upon receipt of the approved compliance document, the LEA must begin to submit documentation of completed activities from the corrective action plan agreed upon by the LEA and the LDE.

B. Corrective action timelines established in the report will be tracked to determine corrective action has been taken and to verify compliance by the LDE.

C. All corrective action must be completed in accordance with the timelines that relate to each specific non-compliant issue. Documentation must be submitted to the LDE within the required timelines.

D. The LDE will conduct, when necessary, an on-site visit in the year following the initial on-site visit, or sooner if deemed necessary by the LDE, to validate the documentation of the implementation of the corrective action and to validate systemic change of non-compliant issues.

E. The LDE will notify the LEA in writing when all corrective action has been accepted as completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005).

### **§317. Self-Review Conducted at the Local Level**

A. A locally conducted annual self-review will be an integral component of the entire monitoring process. The data collected in the self-review will be analyzed to help the LEA and the LDE identify areas of non-compliance, as well as levels of support and technical assistance needed at the local level. Corrective action timelines established in the self-review report will be evaluated by the LDE in order to determine the LEA's effort and commitment to making valid systematic findings and developing corrective action that will result in the required evidence of change.

B. LEAs will use set procedures for conducting self-reviews of compliance standards.

1. LEAs will identify the sites to be included in the self-review. LEAs should use the procedures identified in their LEA application to identify the numbers of sites.

2. The identified sites must represent a cross section of all exceptionalities served and include a sample of each service delivery model used in the LEA.

3. ...

4. The local monitoring team will be designated at the local level.

5. The team should include personnel from the service setting such as general educators, parents, and administrators.

6. The team will be trained on procedures and strategies for conducting a self-review relative to special education regulatory compliance standards.

7. All self-review activities will be coordinated by the local LEA.

8. The LEA will be required to monitor the same regulatory issues for State and Federal regulations as monitored by the LDE.

9. ...

10. The LEA providing services will summarize the findings and compile a report to include:

a. summary of non-compliant issues; and  
b. a corrective action plan for correcting deficiencies and a timeline for completing a corrective action.

c. Repealed.

11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005).

## **Chapter 5. Fiscal Monitoring**

### **§507. Verification of the Accuracy of the Child Count**

A. SBESE establishes the policy to seek to recover any funds made available under IDEA-Part B or the Minimum Foundation Program for services to any child who is determined to be classified erroneously as eligible to be counted.

B. Determination of eligible children will be accomplished through the verification procedures of the LDE regarding the accuracy of the Child Count. In order to verify the accuracy of each count submitted, the LDE will conduct the following activities.

1. The current Child Count from each LEA will be compared with the previous count. In addition, the current Child Count incidence figures from each LEA will be compared with incidence figures from the previous State Child Count.

2. An on-site monitoring visit to verify the accuracy of the Child Count will be conducted in selected LEAs each year. If necessary, each LEA can be monitored for the previous years to verify the accuracy of the Child Count. During the monitoring of each LEA, the monitors will select at least ten names from the Child Count Report. The LEA must provide the student's name, date of birth, evaluation report, IEP, class rosters, and any other information that may be necessary to verify the accuracy of the count.

3. ...

4. If a child's IEP is monitored during the on-site review process and it is determined that the child is not receiving the special education and related services specified on the IEP, the child will be excluded from the Child Count.

5. The LEA will be afforded an opportunity to present supportive or explanatory documentation to refute the LDE findings. If the evidence cannot justify the count, the count will be disallowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:420 (March 2004), amended LR 31:3108 (December 2005).

**§509. Recovery of Funds for a Misclassified Child**

A. If the LEA has received funds based on an erroneous count and the LDE has documented the extent of the error, the LDE will either reduce the grant award if the error occurred in the current budget and all of the funds have not been expended or request that the LEA return such funds. In the event the LEA refuses to comply, within 10 business days these procedures will be followed.

1. The LDE will submit written documentation of the error in the count to the State Superintendent of Education.

2. - 3. ...

4. Funds recovered by the LDE and the SBESSE will be handled within the guidelines set forth by OSEP, U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:421 (March 2004), amended LR 31:3109 (December 2005).

Weegie Peabody  
Executive Director

0512#017

**RULE**

**Board of Elementary and Secondary Education**

Technical Changes to Regulatory Policies and Procedures  
(LAC 28:I.927, 929, 953, 955, and 1710)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended LAC 28:I.927, 929, 953, 955, and 1710. The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. These Sections are now represented in Bulletin 741. The transferred Sections will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter B. State Plans**

**§927. Communicable Disease Control Policy**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10)(15); R.S. 17:170; R.S. 17:1941; 20 USC 1232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 14:703 (October 1988), amended LR 16:297 (April 1990), repealed LR 31:3109 (December 2005).

**§929. Administration of Medication Policy**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 21:260 (March 1995), LR 22:278 (April 1996), repealed LR 31:3109 (December 2005).

**Subchapter C. Nonpublic Regulations  
(Other than in Bulletin 741)**

**§953. Home Study Regulations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 (8); R.S. 17:236-236.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 7:407 (August 1981), LR 8:277 (June 1982), LR 9:60 (February 1983), LR 10:997 (December 1984), amended LR 16:297 (April 1990), LR 23:404 (April, 1997), repealed LR 31:3109 (December 2005).

**§955. Montessori Schools**

A. - B.4.b. repealed.

C. - C.4. ...

D. - J.1 repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3401-3403.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 3:241 (May 1977), LR 9:60, 411 (February, June 1983), LR 10:400 (May 1984), LR 14:789 (November 1988), amended LR 16:297 (April 1990), LR 31:3109 (December 2005).

**Chapter 17. Finance and Property**

**§1710. Acceptable Work Experience for Teacher Pay**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:424.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 21:549 (June 1995), repealed LR 31:3109 (December 2005).

Weegie Peabody  
Executive Director

0512#018

**RULE**

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

Scholarship/Grant Programs  
(LAC 28:IV.1001-1017, 1901 and 1903)

The Louisiana Student Financial Assistance Commission (LASFAC) has adopted its Scholarship/Grant Programs Rules [R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17.3042.1.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)]. (SG0663R)

**Title 28  
EDUCATION**

**Part IV. Student Financial Assistance—Higher**

**Education Scholarship and Grant Programs**

**Chapter 10. TOPS-TECH Early Start Award**

**§1001. General Provisions**

A. Legislative Authority. The TOPS-TECH Early Start Award was created by Act 348 of the 2005 Regular Session of the Louisiana Legislature.

B. Description, History and Purpose. The TOPS-TECH Early Start Award is established as part of the Tuition Opportunity Program for Students (TOPS) to provide grants for Louisiana residents pursuing occupational or vocational training while being dually enrolled in a state public high

school at the eleventh and twelfth grade levels and at a Louisiana public postsecondary institution that offers an occupational or vocational education credential in a Top Demand Occupation. The purpose of TOPS-TECH Early Start is to provide an incentive for qualified Louisiana public high school students to prepare for and pursue an industry-based occupational or vocational education credential in a Top Demand Occupation while still in high school.

C. **Effective Date.** The TOPS-TECH Early Start Award shall be first awarded beginning with the 2005-2006 award year to eleventh and twelfth grade students meeting the eligibility criteria set forth in this Chapter.

D. **Eligible Terms.** The TOPS-TECH Early Start Award is limited to six credit hours per semester and twelve credit hours each Academic Year (College). TOPS-TECH Early Start is not payable for summer semesters or sessions.

E. **Award Amount.** The TOPS-TECH Early Start Award provides a payment not to exceed \$300 for up to six credit hours each semester or \$600 each Academic Year (College) at a rate of \$50 per credit hour.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3109 (December 2005).

### **§1003. Top Demand Occupation**

A. For the purposes of this Chapter, a credential in a "Top Demand Occupation":

1. is a credential defined by the Board of Regents; and  
2. is identified by the Occupation Forecasting Conference as a credential for an occupation in top demand in Louisiana; and

3. is recognized by the State Industry-Based Certification Council; and

4. is approved by the State Board of Elementary and Secondary Education; and

5. is approved by the Board of Supervisors of Community and Technical Colleges.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3110 (December 2005).

### **§1005. Establishing Eligibility**

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

1. be in the eleventh or twelfth grade in a Louisiana public school;

2. have prepared a five-year education and career plan, including a sequence of related courses with a career focus as provided by the High School Career Option Subchapter in R.S. 17:183.2 et seq.;

3. have a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale;

4. have at least the minimum scores required to pass the mathematics and English portions of the graduation exit exam established by the State Board of Elementary and Secondary Education;

5. score at least fifteen on the English subsection and fifteen on the mathematics subsection of the ACT PLAN

assessment administered as part of Louisiana's Educational Planning and Assessment System;

6. enroll in a course in an industry-based occupational or vocational education credential program in a Top Demand Occupation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3110 (December 2005).

### **§1007. Maintaining Eligibility**

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

1. agree that the award will be used exclusively for educational expenses; and

2. be a student in good standing in a Louisiana public high school; and

3. maintain a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale; and

4. continue to pursue one or more courses leading to an industry-based credential in a Top Demand Occupation; and

5. be a student in good standing while enrolled in a Louisiana public postsecondary education institution; and

6. maintain Steady Academic Progress as defined in §301; and

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

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3110 (December 2005).

### **§1009. Eligibility Determination**

A. LOSFA shall determine the initial eligibility of students for the TOPS-TECH Early Start Award and provide a list of eligible students to public postsecondary institutions.

B. Upon receipt of bills from institutions submitted in accordance with §1903.B, LOSFA will reimburse the institution for each eligible student in accordance with §1903.

C. LOSFA shall determine the continuing eligibility of students for the TOPS-TECH Early Start Award and provide a list of eligible students to public postsecondary institutions.

D. LOSFA shall conduct audits of the participating Louisiana public postsecondary institutions to ensure compliance with program requirements.

E. LOSFA shall provide the information necessary to fully inform Louisiana public high school students and their parents on the requirements of and procedures for applying for and maintaining the award.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3110 (December 2005).

### **§1011. Responsibilities of High Schools and School Boards**

A. The high school and school board shall comply with the reporting requirements of §1703 for all students enrolled in high school.

B. The high school shall determine whether the student is in good standing in that high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3110 (December 2005).

**§1013. Responsibilities of Louisiana Public Postsecondary Institutions**

A. Each Louisiana public postsecondary institution that offers an industry based occupational or vocational education credential in a Top Demand Occupation shall:

1. determine whether an eligible student has enrolled in a course at that institution to pursue an industry based occupational or vocational education credential in a Top Demand Occupation in accordance with §1903.D;

2. determine whether the student is in good standing at that institution;

3. submit bills in accordance with §1903.B for each eligible student so enrolled;

4. comply with the reporting and records retention requirements of §1903.A. and F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3111 (December 2005).

**§1015. Responsibilities of the Board of Regents**

A. The Board of Regents shall provide data in its possession to LOSFA as needed to determine initial eligibility for the TOPS-TECH Early Start Award.

B. The Board of Regents shall define and maintain a list of industry based occupational or vocational education credentials.

C. In the event that the funds appropriated for the TOPS-TECH Early Start Award are insufficient to pay all awards for all eligible students, the Board of Regents shall develop, approve and deliver a plan to LOSFA to limit the awards to the amount appropriated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3111 (December 2005).

**§1017. Responsibilities of the Board of Elementary and Secondary Education (BESE) and the Louisiana Department of Education (LDE)**

A. BESE shall provide data in its possession to LOSFA as needed to determine initial eligibility for the TOPS-TECH Early Start Award.

B. LDE shall provide data in its possession to LOSFA as needed to determine initial eligibility for the TOPS-TECH Early Start Award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 31:3111 (December 2005).

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

**§1901. Eligibility of Postsecondary Institutions to Participate**

A. Undergraduate degree granting schools which are components of Louisiana public university medical centers

and two- and four-year public colleges and universities are authorized to participate in the Tuition Opportunity Program for Students (TOPS), TOPS-TECH, TOPS-TECH Early Start, Rockefeller State Wildlife Scholarship, Leveraging Educational Assistance Partnership (LEAP) Program and the GO-Youth Challenge Program.

B. ...

C. Campuses of Louisiana Technical College are authorized to participate in TOPS, TOPS-TECH, TOPS-TECH Early Start, LEAP and the GO-Youth Challenge Program.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26: 1998 (September 2000), LR 28:1864 (November 2001), LR 28:448 (March 2002), LR 30:784 (April 2004), LR 31:3111 (December 2005).

**§1903. Responsibilities of Postsecondary Institutions**

A. - B.9. ...

10.a. upon the school's certification that a student who is eligible for a TOPS-TECH Early Start Award is enrolled in an industry based occupational or vocational education credential program in a Top Demand Occupation institutions shall bill for and LASFAC will pay the institution for each such recipient according to the following schedule.

Credit Hours	Payment
1	\$50
2	\$100
3	\$150
4	\$200
5	\$250
6	\$300

b. The maximum that may be billed is \$300 per semester and \$600 per Academic Year (College).

Institutions may not bill for summer semesters or sessions.

C. - D.4. ...

5. for TOPS-TECH Early Start Awards:

a. verify the student is eligible and enrolled in a course in an industry based occupational or vocational education credential program in a Top Demand Occupation; and

b. verify the student is in good standing.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26 and R.S. 17:3048.1 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111 (December 2005).

George Badge Eldredge  
General Counsel

0512#050

**RULE**

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

Scholarship/Grant Programs—2005 Legislation  
(LAC 28:IV.301, 703, 803, 1901, and 1903)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended the Scholarship/Grant Programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)] (SG0662R)

**Title 28  
EDUCATION**

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

**Chapter 3. Definitions**

**§301. Definitions**

A. ...

\*\*\*

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

a. ...

b. For students with the TOPS Opportunity, Performance, and Honors Award attending a regionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or an out-of-state college or university if all of the conditions of §703.I are met and enrolled in an academic degree program, the amount shall equal the Weighted Average Award Amount.

c. - h. ...

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

**HISTORICAL NOTE:** Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993 and 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), repromulgated LR 27:1842 (November 2001), amended LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330 and 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005).

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

**§703. Establishing Eligibility**

A.1.a. - A.5.a.i.(b). ...

(c). for students graduating in Academic Year (High School) 2004-2005 through 2006-2007, at the time of

high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Trigonometry*, Calculus or comparable Advanced Mathematics * Trigonometry cannot be used to fulfill this requirement for students graduating in Academic Year (High School) 2005-2006 and thereafter
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or
1	Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included):
1/2	Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

(d). Beginning with the graduates of Academic Year (High School) 2007-2008, at the time of high school

graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
<b>1</b>	<b>English IV</b>
1	Algebra I (one unit) or Applied Algebra 1A and 1B (two units)
1	Algebra II
1	Geometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for one unit; provided however, that such Agriscience unit shall not be considered a science elective for the purpose of the math or science elective requirement below)
1	An elective from among the following math subjects: Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, Advanced Mathematics I, Advanced Mathematics II, Integrated Mathematics III or the following science subjects: Biology II, Chemistry II, Physics or Physics II
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (one unit combined) or
1	Civics (one unit, nonpublic)
1	Fine Arts Survey; (or substitute two units performance courses in music, dance, or theater; or two units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE) or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum). BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit)

Units	Course
1/2	Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

- A.5.a.ii. - 6.a.iii. ...
- b. if qualifying under §703.A.5.c;
    - i. the state's reported prior year average plus 3 points, rounded, but never less than 23 for the Opportunity Award; or
    - ii. a 26 for the Performance Award; or
    - iii. a 30 for the Honors Award; and
  - c.i. if completed the twelfth grade level of an approved home study program during or before the Academic Year (High School) 2003-2004 or during or after the Academic Year (High School) 2008-2009 and qualifying under §703.A.5.d;
    - (a) the state's reported prior year average plus 3 points, rounded, but never less than 23 for the Opportunity Award; or
    - (b) a 26 for the Performance Award; or
    - (c) a 30 for the Honors Award; and
    - ii. if completed the twelfth grade level of an approved home study program during or after the Academic Year (High School) 2004-2005 and through the Academic Year (High School) 2007-2008 and qualifying under §703.A.5.d;
      - (a) the state's reported prior year average plus 2 points, rounded, but never less than 22 for the Opportunity Award; or
      - (b) a 25 for the Performance Award; or
      - (c) a 29 for the Honors Award; and
      - d.i. if qualifying under §703.A.5.e by graduating from a high school defined in §1701.A.5; which is limited to the Opportunity Award only; the state's reported prior year average plus 3 points, rounded, but never less than 23;
      - ii. if qualifying under §703.A.5.e by successfully completing the twelfth grade level a home study program approved by BESE and conducted outside the United States and its territories during or before the Academic Year (High School) 2003-2004 or during or after the Academic Year (High School) 2008-2009; which is limited to the Opportunity Award only; the state's reported prior year average plus 3 points, rounded, but never less than 23;
      - iii. if qualifying under §703.A.5.e by successfully completing the twelfth grade level a home study program approved by BESE and conducted outside the United States and its territories during or after the Academic Year (High School) 2004-2005 and through the Academic Year (High School) 2007-2008; which is limited to the Opportunity Award only; the state's reported prior year average plus 2 points, rounded, but never less than 22;

e. if qualifying under §703.A.5.f; which is limited to the Performance Award only; a 24; and

A.7 - H.3. ...

I. Deaf and Hard-of-Hearing Students. Any student who graduates from high school or completes an approved home study program during and after Academic Year (High School) 2004-2005 and who is eligible for a TOPS Opportunity, Performance, or Honors Award may use the award at an out-of-state college or university if all the following conditions are met:

1. the college or university is nonpublic, and
2. the college or university is accredited by a regional accrediting organization recognized by the United States Department of Education, and
3. all programs and services at the college or university are specifically designed to accommodate deaf and hard-of-hearing students, and
4. deaf and hard-of-hearing students comprise the majority of students enrolled at the college or university at the undergraduate level, and
5. the award recipient meets the admission requirements of the college or university that are applicable to deaf and hard-of-hearing students, and
6. the award recipient must enroll as First-Time Freshman as defined in §301, unless granted an exception for cause by LASFAC, in the out-of-state college or university by the deadlines established in §703.A.4, and
7. the award recipient must meet the requirements of Section 705 to continue receiving the TOPS Opportunity, Performance or Honors Awards, and
8. the college or university complies with the requirements for postsecondary institutions provided in §1903.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64 and 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999 and 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219 and 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330 and 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:3112 (December 2005).

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

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

A - A.6.b. ...

7. have achieved an ACT Score, as defined in §301, of at least:
  - a. if qualifying under §803.A.5.a, an ACT composite score of at least 17;
  - b. if qualifying under §803.A.5.b or c, an ACT composite of at least 20; and
  - c. if qualifying under §803.A.5.d and successfully completing the twelfth grade level a home study program approved by BESE during or before the Academic Year

(High School) 2003-2004 or during or after the Academic Year (High School) 2008-2009, an ACT composite of at least 20; and

d. if qualifying under §803.A.5.d and successfully completing the twelfth grade level a home study program approved by BESE during or after the Academic Year (High School) 2004-2005 or during the Academic Year (High School) 2007-2008, an ACT composite of at least 19; and

8. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005).

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

### **§1901. Eligibility of Postsecondary Institutions to Participate**

A.- D. ...

E. Out-of-state colleges and universities may participate in TOPS if all the conditions of §703.I are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1 and R.S. 17:3050.1 - 3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 30:784 (April 2004), LR 31:3114 (December 2005).

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

A. - B.6.b. ...

c. LAICU member colleges and universities or an out-of-state college or university if all of the conditions of §703.I are met may bill for students enrolled in academic programs an amount up to the Weighted Average Award Amount, as defined in §301;

B.6.d. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26 and R.S. 17:3048.1 and R.S. 17:3050.1 - 050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3114 (December 2005).

George Badge Eldredge  
General Counsel

0512#049

**RULE**

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

Scholarship/Grant Programs—Maintaining Eligibility  
(LAC 28:IV.705 and 805)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant Programs Rules [R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)]. (SG0664R)

**Title 28  
EDUCATION**

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

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

**§705. Maintaining Eligibility**

A. - A.8.d. ...

9. through the 2003-2004 Academic Year (College), has not been enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree for more than two years.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005).

**Chapter 8. TOPS-TECH Award**

**§805. Maintaining Eligibility**

A. - A.5. ...

6. has maintained Steady Academic Progress as defined in §301; and

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

8. earn a total of at least 24 college credit hours as determined by totaling the earned hours reported by the institution for each semester or term in the Program Year (Non-Academic Program). Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility.

B. - C. ...

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

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

LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005).

George Badge Eldredge  
General Counsel

0512#051

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Incorporation by Reference of 40 CFR Part 63  
as It Applies to Major Sources  
(LAC 33:III.5122)(AQ254)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.5122 (Log #AQ254).

This Rule removes 40 CFR Part 63, Subpart D, from the subparts of the federal regulations that are incorporated by reference by the department. This will correctly reflect the subparts that the state is responsible for. 40 CFR Part 63, Subpart D, was incorporated by reference inadvertently in previous rulemaking. The basis and rationale for this Rule are to correct the incorporation by reference to reflect the subparts that the state is responsible for.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant  
Emission Control Program**

**Subchapter C. Incorporation by Reference of 40 CFR  
Part 63 (National Emission Standards for  
Hazardous Air Pollutants for Source  
Categories) as It Applies to Major  
Sources**

**§5122. Incorporation by Reference of 40 CFR Part 63  
(National Emission Standards for Hazardous Air  
Pollutants for Source Categories) as It Applies to  
Major Sources**

A. - C.2. ...

3. 40 CFR Part 63, Subpart D, Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants, and Subpart E, Approval of State Programs and Delegation of Federal Authorities, are not included in this incorporation by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998),

LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005).

Herman Robinson, CPM  
Executive Counsel

0512#054

## RULE

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Mercury-Containing Devices and  
Electronics as Universal Wastes  
(LAC 33:V.109, 305, 1501, 2201, 3801, 3807, 3810, 3813,  
3821, 3823, 3841, 3843, 3845, 3855, 3877, 4301, and 4911)  
(HW088)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.109, 305, 1501, 2201, 3801, 3807, 3810, 3813, 3821, 3823, 3841, 3843, 3845, 3855, 3877, 4301, and 4911 (Log #HW088).

This Rule adds mercury-containing devices and electronics, including cathode ray tubes (CRTs), destined for recycling as universal wastes. Under the Rule, metallic mercury must be recovered, recycled, reused, or sequestered, and not incinerated, landfilled, or released in any way; electronics, including CRTs, must be sent for dismantling and recovery of components, in a way that prevents releases to the environment. Electronics are the fastest growing portion of the municipal waste stream. In 1988, 20 million computers were discarded as obsolete, and only 11 percent of those were recycled. In 2004, 315 million computers were rendered obsolete in the United States. That equates to 4 billion pounds of plastic, 1 billion pounds of lead, 2 million pounds of cadmium, and 400,000 pounds of mercury. Electronic products are hazardous. They contain lead, mercury, cadmium, zinc, and brominated flame retardants. Televisions and computer monitors contain up to 4 pounds of lead each. Lead is fused with CRT glass as a radiation shield, making it difficult to separate. Currently there is no market for leaded glass. Eight states have already promulgated rules similar to this rule change and have added both electronics/CRTs and mercury-containing devices to their universal waste rules. Two states have taken action to include electronics and/or CRTs as state wastes. Two states have modified their universal waste rules to include mercury-containing devices. The basis and rationale for this Rule are to reduce costs and promote recycling by having mercury-containing devices and electronics, including CRTs, included as part of Louisiana's universal waste rule.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding

environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Waste and Hazardous Materials

##### Subpart 1. Department of Environmental Quality—Hazardous Waste

#### Chapter 1. General Provisions and Definitions

##### §109. Definitions

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

\* \* \*

*Cathode Ray Tube or CRT*—a vacuum tube, composed primarily of glass, that is the video display component of a television or computer monitor. An *intact CRT* means a CRT remaining within the monitor, whose vacuum has not been released. A *broken CRT* means a CRT for which the vacuum has been released and cannot be restored.

\* \* \*

*CRT Glass Manufacturing Facility*—a facility or part of a facility that uses a furnace to manufacture CRT glass.

*CRT Processing*—conducting any of the following activities:

1. receiving broken or intact CRTs;
2. intentionally breaking intact CRTs or further breaking or separating broken CRTs;
3. sorting or otherwise managing glass removed from CRTs; or
4. cleaning the coatings off the glass removed from CRTs.

\* \* \*

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005).

#### Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

##### §305. Scope of the Permit

A. - C.11.b. ...

- c. mercury-containing equipment as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810; and
- f. antifreeze as described in LAC 33:V.3811;

C.12. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005).

## **Chapter 15. Treatment, Storage, and Disposal Facilities**

### **§1501. Applicability**

A. - C.11.b. ...

- c. mercury-containing equipment as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810; and
- f. antifreeze as described in LAC 33:V.3811; or

C.12. - H.13. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005).

## **Chapter 22. Prohibitions on Land Disposal**

### **Subchapter A. Land Disposal Restrictions**

#### **§2201. Purpose, Scope, and Applicability**

A. - I.5.b. ...

- c. mercury-containing equipment as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810; and
- f. antifreeze as described in LAC 33:V.3811.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the

Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005).

## **Chapter 38. Universal Wastes**

### **Subchapter A. General**

#### **§3801. Scope and Applicability**

A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, mercury-containing equipment as described in LAC 33:V.3807, lamps as described in LAC 33:V.3809, electronics as described in LAC 33:V.3810, and antifreeze as described in LAC 33:V.3811. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005).

#### **§3807. Applicability—Mercury-Containing Equipment**

A. Mercury-Containing Equipment Covered under This Chapter. The requirements of this Chapter apply to persons managing mercury-containing equipment, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Mercury-Containing Equipment Not Covered under This Chapter. The requirements of this Chapter do not apply to persons managing the following mercury-containing equipment:

1. mercury-containing equipment that is not yet waste under LAC 33:V.Chapter 49 (Subsection C of this Section describes when mercury-containing equipment becomes waste.); and

2. mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Mercury-Containing Equipment

1. Used mercury-containing equipment becomes waste on the date it is discarded (i.e., sent for reclamation).

2. Unused mercury-containing equipment becomes waste on the date the handler decides to discard it.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:569 (May 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005).

#### **§3810. Applicability—Electronics**

A. Electronics Covered under This Chapter. The requirements of this Chapter apply to persons managing electronics as described in LAC 33:V.3813, except material listed in Subsection B of this Section. Discarded electronics not managed under LAC 33:V.Chapter 41 are subject to management under this Chapter.

B. Electronics Not Covered under This Chapter. The requirements of this Chapter do not apply to persons managing the following categories of electronics:

1. discarded electronics that are managed under LAC 33:V.Chapter 41;

2. electronics, as described in LAC 33:V.3813, that are not yet wastes under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section; and

3. electronics, as described in this Chapter, that are not hazardous waste. Electronics are hazardous waste if they exhibit one or more of the characteristics identified in LAC 33:V.4903.

#### C. Generation of Waste Electronics

1. An electronic device becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2. An unused electronic device becomes a waste on the date the handler decides to discard it.

3. An electronic device is a universal waste if destined for recycling or dismantling.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005).

### §3813. Definitions

*Ampule*—an airtight vial made of glass, plastic, metal, or any combination of these materials.

\* \* \*

*Destination Facility*—a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in LAC 33:V.3821.A and C and 3843.A and C. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste. A facility that shreds, crushes, heats, or otherwise treats electronic devices or any component thereof, shall be considered a destination facility. A facility shall not be considered a destination facility if it engages in the disassembly or demanufacturing of electronics:

1. for the purpose of marketing, reselling, reusing, or recycling the components of the electronic devices; and

2. without treating the electronic devices or any component thereof.

*Electronics or Electronic Device*—a device or a component thereof that contains one or more circuit boards and is used primarily for data transfer or storage, communication, or entertainment purposes, including but not limited to, desktop and laptop computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders (VCRs), compact disc players, digital video disc players, MP3 players, telephones, including cellular and portable telephones, and stereos.

\* \* \*

*Large Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, or antifreeze, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.

*Mercury-Containing Equipment*—a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

\* \* \*

*Small Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, or antifreeze, calculated collectively) at any time.

\* \* \*

*Universal Waste*—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. - 2. ...

3. mercury-containing equipment as described in LAC 33:V.3807;

4. lamps as described in LAC 33:V.3809;

5. electronics as described in LAC 33:V.3810; and

6. antifreeze as described in LAC 33:V.3811.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005).

### Subchapter B. Standards for Small Quantity Handlers of Universal Waste

#### §3821. Waste Management

A. - B. ...

1. a container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Paragraph B.1 of this Section, provided that the unacceptable container is over packed in a container that does meet the requirements of Paragraph B.1 of this Section;

3. a tank that meets the requirements of LAC 33:V.Chapter 19, except for LAC 33:V.1915.C; or

4. ...

C. Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

1. A small quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, and compatible with the contents of the device; shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and shall be reasonably

designed to prevent the escape of mercury into the environment by volatilization or any other means.

2. A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler:

a. removes and manages the ampules in a manner designed to prevent breakage of the ampules;

b. - g. ...

h. packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3. A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the mercury or clean-up residues resulting from spills or leaks, and/or other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device) exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it subject to LAC 33:V.Chapter 11.

b. If the mercury, residues, and/or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local Solid Waste Regulations.

4. A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

a. immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

b. follows all requirements for removing ampules and managing removed ampules under Paragraph C.2 of this Section.

D. - D.2....

E. Universal Waste Electronics. A small quantity handler of universal waste shall manage universal waste electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment, as follows:

1. store all universal waste electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents universal waste electronics from being exposed to the environment and ensures that all universal waste electronics are handled, stored, and transported in a manner that maintains the reuse or recyclability of any such device or component thereof;

2. immediately clean up and place in a container any broken cathode ray tube from a universal waste electronic device. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube and shall be capable of preventing leakage, spillage, or releases of broken

cathode ray tubes, glass particles, or other hazardous constituents from such broken tubes, to the environment;

3. shall not shred, crush, heat, or otherwise treat electronics or any component thereof, and shall not break the cathode ray tube in any electronic device. Provided no treatment is occurring, a small quantity handler of universal waste electronics may disassemble electronics for the sole purpose of marketing, reselling, reusing, or recycling components thereof.

F. Universal Waste Antifreeze. A small quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste antifreeze shall be contained in one or more of the following:

1. a container that remains closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Paragraph F.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Paragraph F.1 of this Section;

3. a tank that meets the requirements of LAC 33:V.Chapter 19, except for LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005).

### **§3823. Labeling/Marking**

A. - A.3.b. ...

4. Universal waste mercury-containing equipment (e.g., each device), or a container in which the mercury-containing equipment is contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

5. A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

6. Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

7. Universal waste electronics, or a container in which the electronics are contained, or each electronic device, package, or pallet containing universal waste electronics, shall be labeled or marked clearly with one of the following

phrases: "Universal Waste—Electronics," or "Waste Electronics," or "Used Electronics."

8. Universal waste antifreeze, or a container in which the antifreeze is contained, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Antifreeze," or "Waste Antifreeze," or "Used Antifreeze."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3119 (December 2005).

### **Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

#### **§3841. Notification**

A. - B.3. ...

4. a list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze); and

5. a statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 31:3120 (December 2005).

#### **§3843. Waste Management**

A. - B. ...

1. a container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Paragraph B.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Paragraph B.1 of this Section;

3. - 4. ...

C. Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste shall manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

1. A large quantity handler of universal waste shall place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed, structurally sound, and compatible with the contents of the device; shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and shall be reasonably

designed to prevent the escape of mercury into the environment by volatilization or any other means.

2. A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

a. removes and manages the ampules in a manner designed to prevent breakage of the ampules;

b. - g. ...

h. packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3. A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing shall determine whether the mercury or clean-up residues resulting from spills or leaks and/or other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device) exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to LAC 33:V.Chapter 11.

b. If the mercury, residues, and/or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local Solid Waste Regulations.

4. A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

a. immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

b. follows all requirements for removing ampules and managing removed ampules under Paragraph C.2 of this Section.

D. - D.2....

E. Universal Waste Electronics. A large quantity handler of universal waste shall manage universal waste electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment, as follows:

1. store all universal waste electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents universal waste electronics from being exposed to the environment and ensures that all universal waste electronics are handled, stored, and transported in a manner that maintains the reuse or recyclability of any such device or component thereof;

2. immediately clean up and place in a container any broken cathode ray tube from a universal waste electronic device. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube and shall be

capable of preventing leakage, spillage, or releases of broken cathode ray tubes, glass particles, or other hazardous constituents from such broken tubes, to the environment;

3. shall not shred, crush, heat, or otherwise treat electronics or any component thereof, and shall not break the cathode ray tube in any electronic device. Provided no treatment is occurring, a large quantity handler of universal waste electronics may disassemble electronics for the sole purpose of marketing, reselling, reusing, or recycling components thereof.

F. Universal Waste Antifreeze. A large quantity handler of universal waste shall manage universal waste antifreeze in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste antifreeze shall be contained in one or more of the following:

1. a container that remains closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Paragraph F.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Paragraph F.1 of this Section;

3. a tank that meets the requirements of LAC 33:V.Chapter 19, except for LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005).

#### **§3845. Labeling/Marking**

A. - A.3.b. ...

4. Universal waste mercury-containing equipment (e.g., each device), or a container or tank in which the mercury-containing equipment is contained, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

5. A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

6. Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

7. Universal waste electronics, or a container in which the electronics are contained, or each electronic device, package, or pallet containing universal waste electronics,

shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Electronics," or "Waste Electronics," or "Used Electronics."

8. Universal waste antifreeze, or a container in which the antifreeze is contained, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Antifreeze," or "Waste Antifreeze," or "Used Antifreeze."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005).

#### **§3855. Tracking Universal Waste Shipments**

A. - A.1. ...

2. the quantity of each type of universal waste received (e.g., batteries, pesticides, mercury-containing equipment, thermostats, lamps, electronics, antifreeze); and

A.3. - B.1. ...

2. the quantity of each type of universal waste sent (e.g., batteries, pesticides, mercury-containing equipment, thermostats, lamps, electronics, antifreeze); and

B.3. - C.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:576 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005).

#### **Subchapter E. Standards for Destination Facilities**

#### **§3877. Tracking Universal Waste Shipments**

A. - A.1. ...

2. the quantity of each type of universal waste received (e.g., batteries, pesticides, mercury-containing equipment, thermostats, lamps, electronics, antifreeze); and

A.3. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1762 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005).

#### **Chapter 43. Interim Status**

#### **§4301. Purpose and Applicability**

A. - C.13.b. ...

c. mercury-containing equipment as described in LAC 33:V.3807;

d. lamps as described in LAC 33:V.3809;

e. electronics as described in LAC 33:V.3810; and

f. antifreeze as described in LAC 33:V.3811;

C.14. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005).

#### **Chapter 49. Lists of Hazardous Wastes**

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

#### **§4911. Conditional Exclusion for Broken Cathode Ray Tubes (CRTs) Undergoing Recycling**

A. Prior to processing, broken CRTs are not solid wastes if they are destined for recycling and if they meet the following requirements.

1. Storage. The broken CRTs shall be either:
  - a. stored in a building with a roof, floor, and walls;
  - or
  - b. placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize identifiable releases to the environment of CRT glass (including fine solid materials).

2. Labeling. Each container in which broken CRT material is contained shall be labeled or marked clearly with one of the following phrases: "Waste Cathode Ray Tube(s)—Contains Leaded Glass," or "Used Cathode Ray Tube(s)—Contains Leaded Glass." It shall also be labeled: "Do Not Mix with Other Glass Materials."

3. Transportation. These CRTs shall be transported in a container meeting the requirements of Subparagraph A.1.b and Paragraph A.2 of this Section.

4. Speculative Accumulation. These CRTs are subject to the limitations on speculative accumulation as defined in LAC 33:V.109.

B. Requirements for Processing of Broken CRTs. Broken CRTs undergoing *CRT processing* as defined in LAC 33:V.109 are not solid wastes if they meet the following requirements.

1. Storage. Broken CRTs undergoing processing are subject to the requirements of Paragraphs A.1, 2, and 4 of this Section.

2. Processing. All CRTs shall be processed within a building with a roof, floor, and walls. No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

C. Processed CRT Glass Sent to CRT Glass Making or Lead Smelting. Glass removed from used CRTs that is destined for recycling at a CRT glass manufacturing facility or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in LAC 33:V.109. Imported, processed glass from CRTs is subject to these requirements as soon as it enters this state.

D. Processed CRT Glass Sent to Other Types of Recycling, except for Use Constituting Disposal. Glass removed from CRTs that is destined for other types of

recycling after processing (except use constituting disposal) is not a solid waste if it meets the requirements of Paragraphs A.1-4 of this Section. Imported, processed glass removed from CRTs is subject to these requirements as soon as it enters this state.

E. Use Constituting Disposal. Processed glass removed from CRTs that is used in a manner constituting disposal shall comply with the requirements of Paragraphs A.1-4 of this Section and the applicable requirements of LAC 33:V.4139. Imported, processed glass from CRTs is subject to these requirements as soon as it enters this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005).

Herman Robinson, CPM  
Executive Counsel

0512#055

#### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Affairs Division**

Nonattainment New Source Review;  
Prevention of Significant Deterioration  
(LAC 33:III.504 and 509)(AQ246FS)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.504 and 509 (Log #AQ246FS).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) Rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in §51.166) or Part D (nonattainment NSR permit program in §51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This Rule is a revision to the Louisiana State Implementation Plan for air quality.

EPA's NSR revisions (hereinafter Federal NSR Reform Rule) include five major elements:

Baseline Emissions—changes the method for determining the source's emissions before a change is made (the baseline against which emissions increases are measured);

Applicability Test—changes the method for estimating the emissions after the change;

Clean Unit Exclusion—disregards increases from emissions units that have installed controls within the last 10 years;

Pollution Control Project Exclusion—exempts certain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of another pollutant; and

Plantwide Applicability Limits—allows facilities to establish a cap on emissions and trade increases and decreases under the cap, without installing controls on new or modified emissions units.

The department has made substantive changes to address comments received during the public comment period of proposed Rule AQ246F. On June 24, 2005, the United States Court of Appeals for the District of Columbia Circuit vacated the Clean Unit and Pollution Control Project portions of EPA's December 31, 2002, NSR Reform rule (*New York et al. v. U.S. EPA*, No. 02-1387). These provisions were removed from AQ246F. Several other unrelated changes were also made in response to public comments.

The basis and rationale for this Rule are to adopt the Federal NSR Reform Rule as mandated by the U.S. EPA.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 5. Permit Procedures

##### §504. Nonattainment New Source Review Procedures

A. Applicability. The provisions of this Section apply to the construction of any new *major stationary source* or to any *major modification* at a major stationary source, as defined herein, provided such source or modification will be located within a nonattainment area so designated in accordance with Section 107 of the federal Clean Air Act, and will emit a regulated pollutant for which it is major and for which the area is designated nonattainment. If any provision of this Section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

1. For an area that is designated incomplete data, transitional nonattainment, marginal, moderate, serious, or severe nonattainment for the ozone national ambient air quality standard, VOC and NO<sub>x</sub> are the regulated pollutants under this Section. VOC and NO<sub>x</sub> emissions shall not be aggregated for purposes of determining major stationary source status and significant net emissions increases.

2. ...

3. Except as specified in Paragraph A.5 of this Section, the emissions increase that would result from a proposed modification, without regard to project decreases, shall be compared to the trigger values listed in Subsection L.Table 1 of this Section to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

a. Actual-to-Projected-Actual Applicability Test for Projects That Only Involve Existing Emissions Units. The emissions increase of a regulated pollutant shall be calculated by summing the difference between the *projected actual emissions*, as defined in Subsection K of this Section,

and the *baseline actual emissions*, as defined in Subsection K of this Section, specifically Subparagraphs a and b of the definition, for each existing emissions unit.

b. Actual-to-Potential Test for Projects That Only Involve Construction of New Emissions Units. The emissions increase of a regulated pollutant shall be calculated by summing the difference between the *potential to emit*, as defined in Subsection K of this Section, from each new emissions unit following completion of the project and the *baseline actual emissions*, as defined in Subsection K of this Section, specifically Subparagraph c of the definition, of these units before the project.

c. Reserved.

d. Hybrid Test for Projects That Involve Multiple Types of Emissions Units. The emissions increase of a regulated pollutant shall be calculated using the methods specified in Subparagraphs A.3.a-b of this Section, as applicable, with respect to each emissions unit, for each type of emissions unit.

4. The net emissions increase shall be compared to the significant net emissions increase values listed in Subsection L.Table 1 of this Section to determine whether a nonattainment new source review must be performed.

5. Reserved.

6. For any major stationary source with a plantwide applicability limit (PAL) for a regulated pollutant, the owner or operator shall comply with Subsection J of this Section.

7. For applications deemed administratively complete in accordance with LAC 33:III.519.A prior to December 20, 2001, the requirements of this Section shall not apply to NO<sub>x</sub> increases; furthermore, the 1.40 to 1 VOC internal offset ratio for serious ozone nonattainment areas shall not apply. In such situations, a 1.30 to 1 internal offset ratio shall apply to VOC if lowest achievable emission rate (LAER) is not utilized.

8. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after December 20, 2001 and prior to June 23, 2003, the provisions of this Section governing serious ozone nonattainment areas shall apply to VOC and NO<sub>x</sub> increases. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after June 23, 2003, the provisions of this Section governing severe ozone nonattainment areas shall apply to VOC and NO<sub>x</sub> increases.

B. - D.3. ...

4. For any new major stationary source or major modification in accordance with this Section, it shall be assured that the total tonnage of the emissions increase that would result from the proposed construction or modification shall be offset by an equal or greater reduction as applicable, in the actual emissions of the regulated pollutant from the same or other sources in accordance with Paragraph F.9 of this Section. The total tonnage of increased emissions, in tons per year, shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit. A higher level of offset reduction may be required in order to demonstrate that a net air quality benefit will occur.

5. - 8.d. ...

9. For existing emissions units at a major stationary source, other than projects at a source with a PAL, in

circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use, for the purpose of calculating projected actual emissions, the method specified in Subparagraphs K.*Projected Actual Emissions*.a-c of this Section, the following shall apply.

a. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

- i. a description of the project;
- ii. identification of the emissions units whose emissions of a regulated pollutant could be affected by the project; and
- iii. a description of the applicability test used to determine that the project is not a major modification for any regulated pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Subparagraph K.*Projected Actual Emissions*.c of this Section (i.e., demand growth) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph D.9.a of this Section to the administrative authority. Nothing in this Subparagraph shall be construed to require the owner or operator of such a unit to obtain any determination from the administrative authority before beginning actual construction.

c. The owner or operator shall monitor the emissions of any regulated pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in Clause D.9.a.ii of this Section, and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated pollutant at such emissions unit.

d. If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority within 60 days after the end of each year during which records must be generated under Subparagraph D.9.c of this Section setting out the unit's annual emissions during the year that preceded submission of the report.

e. If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority if the annual emissions, in tons per year, from the project identified in Subparagraph D.9.a of this Section, exceed the baseline actual emissions, as documented and maintained in accordance with Clause D.9.a.iii of this Section, by a *significant* amount, as defined in Subsection K of this Section, for that regulated pollutant, and if such emissions differ from the preconstruction projection as documented and maintained in accordance with Clause D.9.a.iii of this Section. Such report shall be submitted to the administrative authority within 60 days after the end of such year. The report shall contain the following:

- i. the name, address, and telephone number of the major stationary source;
- ii. the annual emissions as calculated in accordance with Subparagraph D.9.c of this Section; and
- iii. any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

10. The owner or operator of the source shall make the information required to be documented and maintained in accordance with Paragraph D.9 of this Section available for review upon a request for inspection by the administrative authority or the general public in accordance with the requirements contained in 40 CFR 70.4(b)(3)(viii).

E. - F.10. ...

11. Repealed from AQ246FS.

12. Repealed from AQ246FS.

G. Reserved.

H. Reserved.

I. Reserved.

J. Actuals PALs

1. Applicability

a. The administrative authority may approve the use of an actuals PAL for any existing major stationary source, except as provided in Subparagraph J.1.b of this Section, if the PAL meets the requirements of this Subsection. The term "PAL" shall mean "actuals PAL" throughout this Subsection.

b. The administrative authority shall not allow an actuals PAL for VOC or NO<sub>x</sub> for any major stationary source located in an extreme ozone nonattainment area.

c. Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this Subsection, and complies with the PAL permit:

- i. is not a major modification for the PAL pollutant;
- ii. does not have to be approved through this Section; and
- iii. is not subject to the provisions in Paragraph B.1 of this Section (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the nonattainment major NSR program).

d. Except as provided under Clause J.1.c.iii of this Section, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

2. Definitions. For purposes of this Subsection, the terms below shall have the meaning herein as follows. When a term is not defined in this Paragraph, it shall have the meaning given in Subsection K of this Section or in the Clean Air Act.

a. *Actuals PAL*—a PAL based on the *baseline actual emissions*, as defined in Subsection K of this Section, of all *emissions units*, as defined in Subsection K of this Section, at the source that emit or have the potential to emit the PAL pollutant.

b. *Allowable Emissions*—as defined in Subsection K of this Section, except with the following modifications.

i. The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

ii. An emissions unit's potential to emit shall be determined using the definition in Subsection K of this Section, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

c. *Major Emissions Unit*—

i. any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

ii. any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the appropriate major stationary source threshold value listed in Subsection L. Table 1 of this Section for the PAL pollutant.

d. *Plantwide Applicability Limitation (PAL)*—an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this Subsection.

e. *PAL Effective Date*—generally the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

f. *PAL Effective Period*—the period beginning with the PAL effective date and ending 10 years later.

g. *PAL Major Modification*—notwithstanding the definitions for *major modification* and *net emissions increase* in Subsection K of this Section, any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

h. *PAL Permit*—the major NSR permit, the minor NSR permit, or the state operating permit under a program that is approved into the State Implementation Plan or the Title V permit issued by the administrative authority that establishes a PAL for a major stationary source.

i. *PAL Pollutant*—the pollutant for which a PAL is established at a major stationary source.

j. *Significant Emissions Unit*—an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the *significant* level, as defined in Subsection K of this Section or in the Clean Air Act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a *major emissions unit* as defined in Subparagraph J.2.c of this Section.

k. *Small Emissions Unit*—an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the *significant* level for that PAL pollutant, as defined in Subsection K of this Section or in the Clean Air Act, whichever is lower.

3. Permit Application Requirements. As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the administrative authority for approval:

a. a list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable

requirements, emission limitations, or work practices apply to each unit;

b. calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction;

c. the calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Subparagraph J.13.a of this Section.

4. General Requirements for Establishing PALs

a. The administrative authority may establish a PAL at a major stationary source, provided that at a minimum, the following requirements are met.

i. The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

ii. The PAL shall be established in a PAL permit that meets the public participation requirements in Paragraph J.5 of this Section.

iii. The PAL permit shall contain all the requirements of Paragraph J.7 of this Section.

iv. The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

v. Each PAL shall regulate emissions of only one pollutant.

vi. Each PAL shall have a PAL effective period of 10 years.

vii. The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Paragraphs J.12-14 of this Section for each emissions unit under the PAL through the PAL effective period.

b. At no time during or after the PAL effective period are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under Subsection F of this Section unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

5. Public Participation Requirement for PALs. Procedures to establish, renew, or increase PALs for existing major stationary sources shall be the same as the procedures for permit issuance in accordance with LAC 33:III.519. These include the requirement that the administrative authority provide the public with notice of the proposed

approval of a PAL permit and at least a 30-day period for submittal of public comments. The administrative authority shall address all material comments before taking final action on the permit.

6. Setting the 10-Year Actuals PAL Level

a. Except as provided in Subparagraph J.6.b of this Section, the actuals PAL level for a major stationary source shall be established as the sum of the *baseline actual emissions*, as defined in Subsection K of this Section, of the PAL pollutant for each emissions unit at the source, plus an amount equal to the applicable *significant* level for the PAL pollutant, as defined in Subsection K of this Section or in the Clean Air Act, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The administrative authority shall specify a reduced PAL level (in tons/yr) in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirement that the administrative authority is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO<sub>x</sub> to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit.

b. For newly-constructed units, which do not include modifications to existing units, on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in Subparagraph J.6.a of this Section, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

7. Contents of the PAL Permit. The PAL permit shall contain, at a minimum, the following information:

a. the PAL pollutant and the applicable source-wide emission limitation in tons per year;

b. the PAL permit effective date and the expiration date of the PAL (PAL effective period);

c. specification that if a major stationary source owner or operator applies to renew a PAL in accordance with Paragraph J.10 of this Section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period, but shall remain in effect until a revised PAL permit is issued by the administrative authority;

d. a requirement that emission calculations for compliance purposes include emissions associated with startup, shutdown, and malfunction;

e. a requirement that, once the PAL expires, the major stationary source is subject to the requirements of Paragraph J.9 of this Section;

f. the calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Subparagraph J.13.a of this Section;

g. a requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Paragraph J.12 of this Section;

h. a requirement to retain the records required under Paragraph J.13 of this Section on site. Such records may be retained in an electronic format;

i. a requirement to submit the reports required under Paragraph J.14 of this Section by the required deadlines;

j. any other requirements that the administrative authority deems necessary to implement and enforce the PAL.

8. PAL Effective Period and Reopening of the PAL Permit

a. PAL Effective Period. The administrative authority shall specify a PAL effective period of 10 years.

b. Reopening of the PAL Permit

i. During the PAL effective period, the administrative authority shall reopen the PAL permit to:

(a). correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(b). reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under Subsection F of this Section;

(c). revise the PAL to reflect an increase in the PAL as provided under Paragraph J.11 of this Section.

ii. The administrative authority has the discretion to reopen the PAL permit in order to:

(a). reduce the PAL to reflect newly applicable federal requirements [e.g., new source performance standards (NSPS)] with compliance dates after the PAL effective date;

(b). reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the state may impose on the major stationary source;

(c). reduce the PAL if the administrative authority determines that a reduction is necessary to avoid causing or contributing to a national ambient air quality standard (NAAQS) or PSD increment violation, or to an adverse impact on an air quality-related value that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

iii. Except for the permit reopening in Subclause J.8.b.i.(a) of this Section for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Paragraph J.5 of this Section.

9. Expiration of a PAL. Any PAL that is not renewed in accordance with the procedures in Paragraph J.10 of this Section shall expire at the end of the PAL effective period, and the following requirements shall apply.

a. Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures.

i. Within the time frame specified for PAL renewals in Subparagraph J.10.b of this Section, the major

stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as decided by the administrative authority, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Subparagraph J.10.e of this Section, such distribution shall be made as if the PAL had been adjusted.

ii. The administrative authority shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the administrative authority determines is appropriate.

b. Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The administrative authority may approve the use of monitoring systems (source testing, emission factors, etc.) other than continuous emissions monitoring systems (CEMS), continuous emissions rate monitoring systems (CERMS), predictive emissions monitoring systems (PEMS), or continuous parameter monitoring systems (CPMS) to demonstrate compliance with the allowable emission limitation.

c. Until the administrative authority issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under Clause J.9.a.i of this Section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d. Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition of *major modification* in Subsection K of this Section.

e. The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period, except for those emission limitations that had been established in accordance with Paragraph B.1 of this Section, but were eliminated by the PAL in accordance with the provisions in Clause J.1.c.iii of this Section.

#### 10. Renewal of a PAL

a. The administrative authority shall follow the procedures specified in Paragraph J.5 of this Section in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the administrative authority.

b. **Application Deadline.** A major stationary source owner or operator shall submit a timely application to the administrative authority to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is

to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

c. **Application Requirements.** The application to renew a PAL permit shall contain the following information:

i. the information required in Subparagraphs J.3.a-c of this Section;

ii. a proposed PAL level;

iii. the sum of the potential to emit of all emissions units under the PAL, with supporting documentation;

iv. any other information the owner or operator wishes the administrative authority to consider in determining the appropriate level for renewing the PAL.

d. **PAL Adjustment.** In determining whether and how to adjust the PAL, the administrative authority shall consider the options outlined in Clauses J.10.d.i-ii of this Section. However, in no case may any such adjustment fail to comply with Clause J.10.d.iii of this Section.

i. If the emissions level calculated in accordance with Paragraph J.6 of this Section is equal to or greater than 80 percent of the PAL level, the administrative authority may renew the PAL at the same level without considering the factors set forth in Clause J.10.d.ii of this Section.

ii. The administrative authority may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the administrative authority in his or her written rationale.

iii. Notwithstanding Clauses J.10.d.i-ii of this Section:

(a) if the potential to emit of the major stationary source is less than the PAL, the administrative authority shall adjust the PAL to a level no greater than the potential to emit of the source; and

(b) the administrative authority shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Paragraph J.11 of this Section regarding increasing a PAL.

e. If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the administrative authority has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

#### 11. Increasing a PAL during the PAL Effective Period

a. The administrative authority may increase a PAL emission limitation only if the major stationary source complies with the following provisions.

i. The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions units contributing to the increase in emissions so as to cause the

major stationary source's emissions to equal or exceed its PAL.

ii. As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units, exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

iii. The owner or operator shall obtain a major NSR permit for all emissions units identified in Clause J.11.a.i of this Section, regardless of the magnitude of the emissions increase resulting from them (i.e., no significant levels apply). These emissions units shall comply with any emissions requirements resulting from the nonattainment major NSR program process (e.g., LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

iv. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

b. The administrative authority shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls as determined in accordance with Clause J.11.a.ii of this Section, plus the sum of the baseline actual emissions of the small emissions units.

c. The PAL permit shall be revised to reflect the increased PAL level in accordance with the public notice requirements of Paragraph J.5 of this Section.

## 12. Monitoring Requirements for PALs

### a. General Requirements

i. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

ii. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in Clauses J.12.b.i-iv of this Section and must be approved by the administrative authority.

iii. Notwithstanding Clause J.12.a.ii of this Section, an owner or operator may also employ an alternative monitoring approach that meets the requirements of Clause J.12.a.i of this Section if approved by the administrative authority.

iv. Failure to use a monitoring system that meets the requirements of this Paragraph renders the PAL invalid.

b. Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in Subparagraphs J.12.c-i of this Section:

i. mass balance calculations for activities using coatings or solvents;

ii. CEMS;

iii. CPMS or PEMS; and

iv. emission factors.

c. Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

i. provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

ii. assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

iii. where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator shall use the highest value of the range to calculate the PAL pollutant emissions unless the administrative authority determines there is site-specific data or a site-specific monitoring program to support another content within the range.

d. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and

ii. CEMS must sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

e. CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. the CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit; and

ii. each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the administrative authority, while the emissions unit is operating.

f. Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

i. all emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

ii. the emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

iii. if technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the administrative authority determines that testing is not required.

g. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

h. Notwithstanding the requirements in Subparagraphs J.12.c-d of this Section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the administrative authority shall, at the time of permit issuance:

i. establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating points; or

ii. determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the administrative authority. Such testing must occur at least once every five years after issuance of the PAL.

#### 13. Recordkeeping Requirements

a. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this Subsection and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.

b. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:

i. a copy of the PAL permit application and any applications for revisions to the PAL; and

ii. each annual certification of compliance in accordance with Title V and the data relied on in certifying the compliance.

14. Reporting and Notification Requirements. The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the administrative authority in accordance with the applicable Title V operating permit program. The reports shall meet the following requirements.

a. Semiannual Report. The semiannual report shall be submitted to the administrative authority within 30 days

of the end of each reporting period. This report shall contain the following information:

i. the identification of the owner or operator and the permit number;

ii. total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded in accordance with Subparagraph J.13.a of this Section;

iii. all data relied upon, including but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;

iv. a list of any emissions units modified or added to the major stationary source during the preceding 6-month period;

v. the number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken;

vi. a notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by Subparagraph J.12.g of this Section;

vii. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

b. Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted in accordance with 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports shall contain the following information:

i. the identification of the owner or operator and the permit number;

ii. the PAL requirement that experienced the deviation or that was exceeded;

iii. emissions resulting from the deviation or the exceedance; and

iv. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

c. Revalidation Results. The owner or operator shall submit to the administrative authority the results of any revalidation test or method within three months after completion of such test or method.

#### 15. Transition Requirements

a. No administrative authority may issue a PAL that does not comply with the requirements of this Subsection after the administrator has approved regulations incorporating these requirements into the State Implementation Plan.

b. The administrative authority may supersede any PAL that was established prior to the date of approval of the

State Implementation Plan by the administrator with a PAL that complies with the requirements of this Subsection.

K. Definitions. The terms in this Section are used as defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

*Act*—repealed.

*Actual Emissions*—the actual rate of emissions of a pollutant from an emissions unit as determined in accordance with the following, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under Subsection J of this Section. Instead, the definitions of *projected actual emissions* and *baseline actual emissions* in this Subsection shall apply for those purposes.

a. In general, *actual emissions* as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and that is representative of normal major stationary source operation. A different time period shall be allowed upon a determination by the department that it is more representative of normal major stationary source operation. *Actual emissions* shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b. The administrative authority may presume that source-specific allowable emissions for the unit are equivalent to the *actual emissions* of the unit.

c. For any emissions unit that has not begun normal operations on the particular date, *actual emissions* shall equal the allowable emissions of the unit.

*Administrator*—the *administrator* of the USEPA or an authorized representative.

*Adverse Impact on Visibility*—visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairments and how these factors correlate with:

a. times of visitor use of the mandatory federal Class I area; and

b. the frequency and timing of natural conditions that reduce visibility.

This term does not include effects on integral vista as defined at 40 CFR 51.301, Definitions.

*Allowable Emissions*—the emissions rate of a major stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a. the applicable standard set forth in 40 CFR Part 60, 61, or 63;

b. any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

c. the emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

*Baseline Actual Emissions*—the rate of emissions, in tons per year, of a regulated pollutant, determined as follows.

a. For any existing electric utility steam generating unit, *baseline actual emissions* means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The administrative authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

iii. For a regulated pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for the emissions units being changed. A different consecutive 24-month period can be used for each regulated pollutant.

iv. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Clause a.ii of this definition.

b. For an existing emissions unit, other than an electric utility steam generating unit, *baseline actual emissions* means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the administrative authority for a permit required under this Section, except that the 10-year period shall not include any period earlier than November 15, 1990.

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

iii. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the administrator proposed or promulgated under 40 CFR Part 63, the *baseline actual*

*emissions* need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of Paragraphs F.4 and 5 of this Section.

iv. For a regulated pollutant, when a project involves multiple emissions units, only one consecutive 24-month period shall be used to determine the *baseline actual emissions* for the emissions units being changed. A different consecutive 24-month period may be used for each regulated pollutant.

v. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Clauses b.ii-iii of this definition.

c. For a new emissions unit, the *baseline actual emissions* for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero, and thereafter, for all other purposes, shall equal the unit's potential to emit.

d. For a PAL for a major stationary source, the *baseline actual emissions* shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in Subparagraph a of this definition, for other existing emissions units in accordance with the procedures contained in Subparagraph b of this definition, and for a new emissions unit in accordance with the procedures contained in Subparagraph c of this definition.

*Begin Actual Construction*—initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building support and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

*Best Available Control Technology (BACT)*—as defined in LAC 33:III.509.

*Building, Structure, Facility, or Installation*—all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, or are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

*Clean Air Act*—the federal Clean Air Act, 42 U.S.C. 7401-7671(q).

*Clean Coal Technology*—any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, which was not in widespread use as of November 15, 1990.

*Clean Coal Technology Demonstration Project*—a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial

demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

*Clean Unit*—Repealed.

*Commence*—as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

a. begun, or caused to begin, a continuous program of actual on-site construction of the major stationary source, to be completed within a reasonable time; or

b. entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the major stationary source to be completed within a reasonable time.

*Construction*—any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in actual emissions.

*Continuous Emissions Monitoring System (CEMS)*—all of the equipment that may be required to meet the data acquisition and availability requirements of this Section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

*Continuous Emissions Rate Monitoring System (CERMS)*—the total equipment required for the determination and recording of the pollutant mass emissions rate, in terms of mass per unit of time.

*Continuous Parameter Monitoring System (CPMS)*—all of the equipment necessary to meet the data acquisition and availability requirements of this Section, to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and to record average operational parameter values on a continuous basis.

*Electric Utility Steam Generating Unit*—any steam-electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

*Emissions Unit*—any part of a major stationary source that emits or would have the potential to emit any regulated pollutant, and includes an *electric utility steam generating unit* as defined in this Subsection. For purposes of this Section, there are two types of *emissions units* as described below.

a. A *new emissions unit* is any emissions unit that is, or will be, newly constructed and that has existed for less than two years from the date such emissions unit first operated.

b. An *existing emissions unit* is any emissions unit that does not meet the requirements in Subparagraph a of

this definition. A *replacement unit*, as defined in this Subsection, is an *existing emissions unit*.

*Federal Class I Area*—any federal land that is classified or reclassified as a "Class I" area in accordance with the federal Clean Air Act.

*Federal Land Manager*—with respect to any lands in the United States, the secretary of the department with authority over such lands.

*Federally Enforceable*—all limitations and conditions which are *federally enforceable* by the administrator, including those requirements developed in accordance with 40 CFR Parts 60, 61, and 63, requirements within any applicable State Implementation Plan, any permit requirements established in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I including 40 CFR 51.165 and 40 CFR 51.166.

*Fugitive Emissions*—those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

*Lowest Achievable Emission Rate*—for any source, the more stringent rate of emissions based on the following:

a. the most stringent emissions limitation that is contained in the implementation plan of any state for such class or category of major stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

b. the most stringent emissions limitation that is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified major stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

*Major Modification*—

a. Any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase, as listed in Subsection L.Table 1 of this Section, of any regulated pollutant for which the stationary source is already major.

b. Any net emissions increase that is considered significant for VOC or NO<sub>x</sub> shall be considered significant for ozone. VOC and NO<sub>x</sub> emissions shall not be aggregated for the purpose of determining significant net emissions increases.

c. A physical change or change in the method of operation shall not include:

i. routine maintenance, repair, and replacement;

ii. use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in accordance with the Federal Power Act;

iii. use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act;

iv. use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

v. use of an alternative fuel or raw material by a stationary source that:

(a) the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition that was established after December 12, 1976, in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I or 40 CFR 51.166; or

(b) the source is approved to use under any permit issued under regulations approved in accordance with this Section;

vi. an increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition that was established after December 21, 1976, in accordance with 40 CFR 52.21 or regulations approved in accordance with 40 CFR Part 51, Subpart I or 40 CFR 51.166;

vii. any change in ownership at a stationary source;

viii. reserved;

ix. the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the State Implementation Plan for the state in which the project is located; and

(b) other requirements necessary to attain and maintain the national ambient air quality standard during the project and after it is terminated.

d. This definition shall not apply with respect to a particular regulated pollutant when the major stationary source is complying with the requirements under Subsection J of this Section for a PAL for that pollutant. Instead, the definition at Subparagraph J.2.g of this Section shall apply.

*Major Stationary Source*—

a. any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants which emits, or has the potential to emit, any regulated pollutant at or above the threshold values defined in Subsection L.Table 1 of this Section; or

b. any physical change that would occur at a stationary source not qualifying under Subparagraph a of this definition as a *major stationary source*, if the change would constitute a *major stationary source* by itself;

c. a *major stationary source* that is major for VOC or NO<sub>x</sub> shall be considered major for ozone. VOC and NO<sub>x</sub> emissions shall not be aggregated for the purpose of determining *major stationary source* status;

d. a stationary source shall not be a *major stationary source* due to fugitive emissions, to the extent that they are quantifiable, unless the source belongs to:

i. any category in Table A in LAC 33:III.509; or

ii. any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act;

e. a stationary source shall not be a *major stationary source* due to secondary emissions.

*Mandatory Federal Class I Area*—those federal lands that are international parks, national wilderness areas which exceed 5,000 acres in size, national memorial parks which exceed 5,000 acres in size, and national parks which exceed 6,000 acres in size, and that were in existence on August 7, 1977. These areas may not be redesignated.

*Natural Conditions*—includes naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

*Necessary Preconstruction Approvals or Permits*—those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

*Net Emissions Increase*—the amount by which the sum of the following exceeds zero:

a.i. any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source as calculated in accordance with Paragraph A.3 of this Section; and

ii. any other creditable increases and decreases in actual emissions at the major stationary source over a period including the calendar year of the proposed increase, up to the date on which the proposed increase will occur, and the preceding four consecutive calendar years. Baseline actual emissions for calculating increases and decreases under this Clause shall be determined as provided in Subsection K.*Baseline Actual Emissions* of this Section except that Clauses a.iii and b.iv of that definition shall not apply;

b. an increase or decrease in actual emissions is creditable only if neither the department nor the administrator has relied on it in issuing a permit for the source under this regulation and, for a decrease, the administrator has not relied on it in issuing a permit under 40 CFR 52.21, which permit is in effect when the increase in actual emissions from the particular change occurs;

c. Reserved;

d. an increase in actual emissions is creditable only to the extent that the new level of allowable emissions exceeds the old level of actual emissions;

e. a decrease in actual emissions is creditable only to the extent that:

i. the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of allowable emissions;

ii. it is enforceable as a practical matter at and after the time that actual construction of the particular change begins;

iii. it has not been relied on by the state in demonstrating attainment or reasonable further progress; and

iv. it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

v. Repealed from AQ246FS.

f. an increase that results from a physical change at a major stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days;

g. Subparagraph K.*Actual Emissions.a* of this Section shall not apply for determining creditable increases and decreases or after a change.

*Nonattainment Area*—for any air pollutant, an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. Such term includes

any area identified under Subparagraphs (A)-(C) of Section 107(d)(1) of the Federal Clean Air Act.

*Pollution Control Project (PCP)*—Repealed.

*Pollution Prevention*—any activity that, through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

*Portable Stationary Source*—a source that can be relocated to another operating site with limited dismantling and reassembly.

*Potential to Emit*—the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

*Predictive Emissions Monitoring System (PEMS)*—all of the equipment necessary to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and calculate and record the mass emissions rate (e.g., lb/hr) on a continuous basis.

*Prevention of Significant Deterioration (PSD) Permit*—any permit that is issued under a major source preconstruction permit program that has been approved by the administrator and incorporated into the State Implementation Plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.

*Project*—a physical change in, or change in the method of operation of, an existing major stationary source.

*Projected Actual Emissions*—the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

a. shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

b. shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

c. shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the *baseline actual emissions* as defined in this Subsection and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

d. in lieu of using the method set out in Subparagraphs a-c of this definition, may elect to use the emissions unit's *potential to emit*, in tons per year, as defined in this Subsection.

**Regulated Pollutant**—any air pollutant, the emission or ambient concentration of which is regulated in accordance with the Clean Air Act.

**Replacement Unit**—an emissions unit for which all the following criteria are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

a. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

b. The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

c. The emissions unit does not alter the basic design parameters of the process unit.

d. The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a *new emissions unit*, as defined in this Subsection.

**Secondary Emissions**—emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this Section, *secondary emissions* must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. *Secondary emissions* include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. *Secondary emissions* do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

**Significant**—in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed the lower of any of the following rates or the applicable major modification significant net increase threshold in Subsection L. Table 1 of this Section.

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Ozone	40 tpy of volatile organic compounds
Lead	0.6 tpy

**Stationary Source**—any building, structure, facility, or installation which emits or may emit any regulated pollutant.

**Temporary Clean Coal Technology Demonstration Project**—a clean coal technology demonstration project that is operated for a period of five years or less, and that complies with the State Implementation Plan for the state in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

**Temporary Source**—a stationary source that changes its location or ceases to exist within one year from the date of initial start of operations.

**Visibility Impairment**—any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

L. Table 1—Major Stationary Source/Major Modification Emission Thresholds

Pollutant	Major Stationary Source Threshold Values (tons/year)	Major Modification Significant Net Increase (tons/year)	Offset Ratio Minimum
Ozone		Trigger Values	
VOC/NO <sub>x</sub> <sup>1</sup>			
Marginal <sup>1</sup>	100	40(40) <sup>2</sup>	1.10 to 1
Moderate	100	40(40) <sup>2</sup>	1.15 to 1
Serious	50	25 <sup>3</sup> (5) <sup>4</sup>	1.20 to 1 w/LAER or 1.40 to 1 internal w/o LAER
Severe	25	25 <sup>3</sup> (5) <sup>4</sup>	1.30 to 1 w/LAER or 1.50 to 1 internal w/o LAER
CO			
Moderate	100	100	>1.00 to 1
Serious	50	50	>1.00 to 1
SO <sub>2</sub>	100	40	>1.00 to 1
PM <sub>10</sub>			
Moderate	100	15	>1.00 to 1
Serious	70	15	>1.00 to 1
Lead	100	0.6	>1.00 to 1

<sup>1</sup>For those parishes that are designated incomplete data or transitional nonattainment for ozone, the new source review rules for a marginal classification apply.

<sup>2</sup>Consideration of the net emissions increase will be triggered for any project that would increase emissions by 40 tons or more per year, without regard to any project decreases.

<sup>3</sup>For serious and severe ozone nonattainment areas, the increase in emissions of VOC or NO<sub>x</sub> resulting from any physical change or change in the method of operation of a stationary source shall be considered significant for purposes of determining the applicability of permit requirements, if the net emissions increase from the source equals or exceeds 25 tons per year of VOC or NO<sub>x</sub>.

<sup>4</sup>Consideration of the net emissions increase will be triggered for any project that would increase VOC or NO<sub>x</sub> emissions for five tons or more per year, without regard to any project decreases, or for any project that would result in a 25 ton or more per year cumulative increase in emissions of VOC within the contemporaneous period or of NO<sub>x</sub> for a period of five years after the effective date of the rescission of the NO<sub>x</sub> waiver, and within the contemporaneous period thereafter.

VOC = volatile organic compounds

NO<sub>x</sub> = oxides of nitrogen

CO = carbon monoxide

SO<sub>2</sub> = sulfur dioxide  
PM<sub>10</sub> = particulate matter of less than 10 microns in diameter

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3123 (December 2005).

### **§509. Prevention of Significant Deterioration**

#### **A. Applicability Procedures**

1. The requirements of this Section apply to the construction of any new *major stationary source*, as defined in Subsection B of this Section, or any project at an existing *major stationary source* in an area designated as attainment or unclassifiable under Sections 107(d)(1)(A)(ii) or (iii) of the Clean Air Act.

2. The requirements of Subsections J-R of this Section apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this Section otherwise provides.

3. No new major stationary source or major modification to which the requirements of Subsection J-Paragraph R.5 of this Section apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The administrative authority has authority to issue any such permit.

4. The requirements of the program will be applied in accordance with the following principles.

a. Except as otherwise provided in Paragraph A.5 of this Section, and consistent with the definition of *major modification* contained in Subsection B of this Section, a project is a major modification for a regulated new source review (NSR) pollutant if it causes two types of emissions increases—a *significant* emissions increase, as defined in Subsection B of this Section, and a significant *net emissions increase*, as defined in Subsection B of this Section. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

b. The procedure for calculating, before beginning actual construction, whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to Subparagraphs A.4.c-f of this Section. The procedure for calculating, before beginning actual construction, whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is as defined in Subsection B.*Net Emissions Increase* of this Section. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

c. Actual-to-Projected-Actual Applicability Test for Projects That Only Involve Existing Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the *projected actual emissions*, as defined in Subsection B of this Section, and the *baseline actual emissions*, as defined in Subparagraphs B.*Baseline Actual Emissions.a* and b of this Section, for each existing emissions unit, equals or exceeds the *significant* amount for that pollutant, as defined in Subsection B of this Section.

d. Actual-to-Potential Test for Projects That Only Involve Construction of a New Emissions Unit. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the *potential to emit*, as defined in Subsection B of this Section, from each new emissions unit following completion of the project and the *baseline actual emissions*, as defined in Subparagraph B.*Baseline Actual Emissions.c* of this Section, of these units before the project equals or exceeds the *significant* amount for that pollutant, as defined in Subsection B of this Section.

e. Reserved.

f. Hybrid Test for Projects That Involve Multiple Types of Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in Subparagraphs A.4.c-e of this Section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the *significant* amount for that pollutant, as defined in Subsection B of this Section.

5. For any major stationary source for a plantwide applicability limit (PAL) for a regulated NSR pollutant, the major stationary source shall comply with the requirements under Subsection AA of this Section.

6. Repealed from AQ246FS.

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

*Actual Emissions*—the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with the following, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under Subsection AA of this Section. Instead, Subsection B.*Projected Actual Emissions* and *Baseline Actual Emissions* of this Section shall apply for those purposes.

a. In general, *actual emissions* as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period that precedes the particular date and which is representative of normal source operation. The administrative authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. *Actual emissions* shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b. The administrative authority may presume that source-specific allowable emissions for the unit are equivalent to the *actual emissions* of the unit.

c. For any emissions unit that has not begun normal operations on the particular date, *actual emissions* shall equal the potential to emit of the unit on that date.

*Adverse Impact on Visibility*—visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with:

- a. times of visitor use of the federal Class I area; and
- b. the frequency and timing of natural conditions that reduce visibility.

*Allowable Emissions*—the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits that restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- a. the applicable standards as set forth in 40 CFR Parts 60 and 61; or
- b. the applicable implementation plan emissions limitation, including those with a future compliance date; or
- c. the emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

*Baseline Actual Emissions*—the rate of emissions, in tons per year, of a regulated NSR pollutant, determined as follows.

a. For any existing electric utility steam generating unit, *baseline actual emissions* means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator projects to begin actual construction of the project. The administrative authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

iii. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the *baseline actual emissions* for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

iv. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Clause a.ii of this definition.

b. For an existing emissions unit, other than an electric utility steam generating unit, *baseline actual emissions* means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual

construction of the project, or the date a complete permit application is received by the administrative authority for a permit required under this Section, except that the 10-year period shall not include any period earlier than November 15, 1990.

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

iii. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the administrative authority proposed or promulgated under 40 CFR Part 63, the *baseline actual emissions* need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).

iv. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period shall be used to determine the *baseline actual emissions* for all the emissions units being changed. A different consecutive 24-month period may be used for each regulated NSR pollutant.

v. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Clauses b.ii and iii of this definition.

c. For a new emissions unit, the *baseline actual emissions* for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero, and thereafter, for all other purposes, shall equal the unit's potential to emit.

d. For a PAL for a stationary source, the *baseline actual emissions* shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in Subparagraph a of this definition, for other existing emissions units in accordance with the procedures contained in Subparagraph b of this definition, and for a new emissions unit in accordance with the procedures contained in Subparagraph c of this definition.

*Baseline Area*—

a. Any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1) (D) or (E) of the Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1  $\mu\text{g}/\text{m}^3$  (annual average) of the pollutant for which the minor source baseline date is established.

b. Area redesignations under Section 107(d)(1) (D) or (E) of the Clean Air Act cannot intersect or be smaller

than the area of impact of any major stationary source or major modification that:

- i. establishes a minor source baseline date; or
- ii. is subject to 40 CFR 52.21 or under regulations approved in accordance with 40 CFR 51.166 and would be constructed in the same state as the state proposing the redesignation.

c. Any *baseline area* established originally for the total suspended particulates (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that such *baseline area* shall not remain in effect if the administrative authority rescinds the corresponding minor source baseline date in accordance with Subparagraph B. *Baseline Date*.d of this Section.

*Baseline Concentration—*

a. That ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A *baseline concentration* is determined for each pollutant for which a minor source baseline date is established and shall include:

- i. the actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in Subparagraph b of this definition;
- ii. the allowable emissions of major stationary sources that commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.

b. The following will not be included in the *baseline concentration* and will affect the applicable maximum allowable increase:

- i. actual emissions from any major stationary source on which construction commenced after the major source baseline date; and
- ii. actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

*Baseline Date—*

a. *Major Source Baseline Date—*

- i. in the case of particulate matter (PM<sub>10</sub>) and sulfur dioxide, January 6, 1975; and
- ii. in the case of nitrogen dioxide, February 8, 1988.

b. *Minor Source Baseline Date*—the earliest date after the trigger date on which a major stationary source or a major modification subject to this Section submits a complete application under the relevant regulations. The trigger date is:

- i. in the case of particulate matter (PM<sub>10</sub>) and sulfur dioxide, August 7, 1977; and
- ii. in the case of nitrogen dioxide, February 8, 1988.

c. The *baseline date* is established for each pollutant for which increments or other equivalent measures have been established if:

- i. the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(i)(D) or (E) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved in accordance with 40 CFR 51.166; and

- ii. in the case of a major stationary source, the pollutant would be emitted in significant amounts or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

d. Any *minor source baseline date* established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM<sub>10</sub> increments, except that the administrative authority shall rescind a *minor source baseline date* where it can be shown, to the satisfaction of the administrative authority, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM<sub>10</sub> emissions.

*Begin Actual Construction*—in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, that mark the initiation of the change.

*Best Available Control Technology (BACT)—*

a. An emissions limitation, including a visible emission standard, based on the maximum degree of reduction for each pollutant subject to regulation under this Section that would be emitted from any proposed major stationary source or major modification that the administrative authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant.

b. In no event shall application of *best available control technology* result in emissions of any pollutant that would exceed the emissions allowed by an applicable standard under 40 CFR Parts 60 and 61. If the administrative authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of *best available control technology*. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means that achieve equivalent results.

*Building, Structure, Facility, or Installation*—all of the pollutant-emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same *Major Group* (i.e., which have the same first two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977

Supplement (U. S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

*Clean Air Act*—the federal Clean Air Act, as amended (42 U.S.C. Chapter 85).

*Clean Coal Technology*—any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam, which was not in widespread use as of November 15, 1990.

*Clean Coal Technology Demonstration Project*—a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

*Clean Unit*—Repealed.

*Commence*—as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

a. begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

b. entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

*Complete*—in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the administrative authority from requesting or accepting any additional information.

*Construction*—any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in actual emissions.

*Continuous Emissions Monitoring System (CEMS)*—all of the equipment that may be required to meet the data acquisition and availability requirements of this Section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

*Continuous Emissions Rate Monitoring System (CERMS)*—the total equipment required for the determination and recording of the pollutant mass emissions rate, in terms of mass per unit of time.

*Continuous Parameter Monitoring System (CPMS)*—all of the equipment necessary to meet the data acquisition and availability requirements of this Section, to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and to record average operational parameter values on a continuous basis.

*Electric Utility Steam Generating Unit*—any steam-electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

*Emissions Unit*—any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant, and includes an *electric utility steam generating unit*, as defined in this Subsection. For purposes of this Section, there are two types of *emissions units*.

a. A *new emissions unit* is any emissions unit that is, or will be, newly constructed and that has existed for less than two years from the date such emissions unit first operated.

b. An *existing emissions unit* is any emissions unit that is not a new emissions unit. A *replacement unit*, as defined in this Subsection, is an *existing emissions unit*.

*Federal Land Manager*—with respect to any lands in the United States, the secretary of the department with authority over such lands.

*Federally Enforceable*—all limitations and conditions that are enforceable by the administrator, including those requirements developed in accordance with 40 CFR Parts 60, 61, and 63, requirements within any applicable State Implementation Plan, any permit requirements established in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program.

*Fugitive Emissions*—those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

*High Terrain*—any area having an elevation 900 feet or more above the base of the stack of a source.

*Indian Governing Body*—the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

*Indian Reservation*—any federally-recognized reservation established by treaty, agreement, executive order, or act of Congress.

*Innovative Control Technology*—any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

*Low Terrain*—any area other than *high terrain*, as defined in this Subsection.

*Lowest Achievable Emission Rate (LAER)*—as defined in LAC 33:III.504.

*Major Modification—*

a. Any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant, and a significant net emissions increase of that pollutant from the major stationary source.

b. Any significant emissions increase from any emissions unit or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

c. A physical change or change in the method of operation shall not include:

i. routine maintenance, repair, and replacement;

ii. use of an alternative fuel or raw material by reason of any order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in accordance with the Federal Power Act;

iii. use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;

iv. use of an alternate fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

v. use by a source of an alternate fuel or raw material that:

(a). the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition that was established after January 6, 1975, in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I or 40 CFR 51.166; or

(b). the source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved in accordance with 40 CFR 51.166;

vi. an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition that was established after January 6, 1975, in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I or 40 CFR 51.166;

vii. any change in source ownership;

viii. Reserved;

ix. the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a). the State Implementation Plan for the state in which the project is located; and

(b). other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;

x. the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis;

xi. the reactivation of a very clean coal-fired electric utility steam generating unit.

d. This definition shall not apply with respect to a particular pollutant subject to regulation under this Section when the major stationary source is complying with the

requirements under Subsection AA of this Section for a PAL for that pollutant. Instead, the definition at Subparagraph AA.2.g of this Section shall apply.

*Major Stationary Source—*

a. any of the stationary sources of air pollutants listed in Table A of this definition that emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under this Section;

b. for stationary source categories other than those listed in Table A of this definition, any stationary source that emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under this Section; or

c. any physical change that would occur at a source not otherwise qualifying as a major stationary source under Subparagraphs a and b of this definition if the change would constitute a major source by itself;

d. a major source that is major for volatile organic compounds shall be considered major for ozone;

e. the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a *major stationary source*, unless the source is listed in Table A of this definition or, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

**Table A—Stationary Sources of Air Pollutants**

1	Fossil fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input
2	Coal cleaning plants (with thermal dryers)
3	Kraft pulp mills
4	Portland cement plants
5	Primary zinc smelters
6	Iron and steel mill plants
7	Primary aluminum ore reduction plants
8	Primary copper smelters
9	Municipal incinerators capable of charging more than 250 tons of refuse per day
10	Hydrofluoric, sulfuric, and nitric acid plants
11	Petroleum refineries
12	Lime plants
13	Phosphate rock processing plants
14	Coke oven batteries
15	Sulfur recovery plants
16	Carbon black plants (furnace process)
17	Primary lead smelters
18	Fuel conversion plants
19	Sintering plants
20	Secondary metal production plants
21	Chemical process plants
22	Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu per hour heat input.
23	Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
24	Taconite ore processing plants
25	Glass fiber processing plants
26	Charcoal production plants

*Necessary Preconstruction Approvals or Permits—*those permits or approvals required under all applicable air quality control laws and regulations.

*Net Emissions Increase—*

a. With respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

i. the increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated in accordance with Paragraph A.4 of this Section; and

ii. any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this Clause shall be determined as provided in Subsection B. *Baseline Actual Emissions* of this Section, except that Clauses B. *Baseline Actual Emissions*.a.iii and b.iv of this Section shall not apply.

b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

i. the date five years before construction on the particular change commences; and

ii. the date that the increase from the particular change occurs.

c. An increase or decrease in actual emissions is creditable only if the administrative authority has not relied on it in issuing a permit for the source under this Section, which permit is in effect when the increase in actual emissions from the particular change occurs.

d. An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

f. A decrease in actual emissions is creditable only to the extent that:

i. the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

ii. it is enforceable as a practical matter at and after the time that actual construction on the particular change begins; and

iii. it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

g. Reserved.

h. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

i. Subparagraph B. *Actual Emissions*.a of this Section shall not apply for determining creditable increases and decreases.

*Pollution Control Project (PCP)*—Repealed.

*Pollution Prevention*—any activity that, through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment prior to recycling,

treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

*Potential to Emit*—the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

*Predictive Emissions Monitoring System (PEMS)*—all of the equipment necessary to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations), and calculate and record the mass emissions rate (e.g., lb/hr) on a continuous basis.

*Prevention of Significant Deterioration (PSD) Program*—a major source preconstruction permit program that has been approved by the administrator and incorporated into the State Implementation Plan to implement the requirements of this Section or the program in 40 CFR 52.21. Any permit issued under such a program is a major NSR permit.

*Project*—a physical change in, or change in the method of operation of, an existing major stationary source.

*Projected Actual Emissions*—the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

a. shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

b. shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

c. shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the *baseline actual emissions* as defined in this Subsection and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

d. in lieu of using the method set out in Subparagraphs a-c of this definition, may elect to use the emissions unit's *potential to emit*, in tons per year, as defined in this Subsection.

*Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit*—any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation, where the unit:

a. has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the administrative authority's emissions inventory at the time of enactment;

b. was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

c. is equipped with low-NO<sub>x</sub> burners prior to the time of commencement of operations following reactivation; and

d. is otherwise in compliance with the requirements of the Clean Air Act.

*Reasonably Available Control Technology (RACT)*—devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

a. the necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;

b. the social, environmental, and economic impact of such controls; and

c. alternative means of providing for attainment and maintenance of such standard.

*Regulated NSR Pollutant*—

a. any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the administrative authority (e.g., volatile organic compounds are precursors for ozone);

b. any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

c. any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act; or

d. any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in Section 112 of the Clean Air Act or added to the list in accordance with Section 112(b)(2) of the Clean Air Act, which have not been delisted in accordance with Section 112(b)(3) of the Clean Air Act, are not *regulated NSR pollutants* unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act.

*Replacement Unit*—an emissions unit for which all the criteria listed in Subparagraphs a-d of this definition are met.

No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

a. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

b. The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

c. The emissions unit does not alter the basic design parameters of the process unit.

d. The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a *new emissions unit*, as defined in this Subsection.

*Repowering*—replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the administrative authority, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

a. *Repowering* shall also include any oil and/or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

b. The administrative authority shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under Section 409 of the Clean Air Act.

*Reviewing Authority*—Repealed.

*Secondary Emissions*—emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purposes of this definition, *secondary emissions* must be specific, well defined, and quantifiable, and impact the same general areas as the stationary source modification that causes the secondary emissions. *Secondary emissions* include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. *Secondary emissions* do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

*Significant*—

a. in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy of particulate emissions
	15 tpy of PM <sub>10</sub> emissions
Ozone	40 tpy of volatile organic compounds
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics <sup>1</sup>	0.0000035 tpy
Municipal waste combustor metals <sup>2</sup>	15 tpy
Municipal waste combustor acid gases <sup>3</sup>	40 tpy
Municipal solid waste landfills emissions <sup>4</sup>	50 tpy

<sup>1</sup>Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

<sup>2</sup>Measured as particulate matter.

<sup>3</sup>Measured as sulfur dioxide and hydrogen chloride.

<sup>4</sup>Measured as nonmethane organic compounds.

b. in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant that Subparagraph a of this definition does not list, any emissions rate;

c. notwithstanding Subparagraph a of this definition, any emissions rate or any net emissions increase associated with a major stationary source or major modification that would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1µg/m<sup>3</sup> (24-hour average).

*Significant Emissions Increase*—for a regulated NSR pollutant, an increase in emissions that is *significant*, as defined in this Subsection, for that pollutant.

*Stationary Source*—any building, structure, facility, or installation that emits or may emit any pollutant subject to regulation under this Section.

*Temporary Clean Coal Technology Demonstration Project*—a clean coal technology demonstration project that is operated for a period of five years or less, and that complies with the State Implementation Plans for the state in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

C. Ambient Air Increments. In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following.

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter) <sup>1</sup>
Class I	
Particulate matter:	
PM10, annual arithmetic mean	4
PM10, 24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter) <sup>1</sup>
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
Particulate matter:	
PM10, annual arithmetic mean	17
PM10, 24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
Particulate matter:	
PM10, annual arithmetic mean	34
PM10, 24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

<sup>1</sup>For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

D. Ambient Air Ceilings. No concentration of a pollutant shall exceed:

- the concentration permitted under the national secondary ambient air quality standard; or
- the concentration permitted under the national primary ambient air quality standard; whichever concentration is lowest for the pollutant for a period of exposure.

E. Restrictions on Area Classifications

1. All of the following areas that were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

- international parks;
- national wilderness areas that exceed 5,000 acres in size;
- national memorial parks that exceed 5,000 acres in size; and
- national parks that exceed 6,000 acres in size.

2. Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this Section.

3. Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this Section.

4. The following areas may be redesignated only as Class I or II:

- an area that as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; and
- a national park or national wilderness area established after August 7, 1977, that exceeds 10,000 acres in size.

F. Reserved.

## G. Redesignation

1. All areas, except as otherwise provided under Subsection E of this Section, are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by Subsection E of this Section, may be proposed by the respective states or Indian governing bodies, as provided below, subject to approval by the administrative authority as a revision to the applicable State Implementation Plan.

2. The state may submit to the administrator a proposal to redesignate areas of the state Class I or Class II, provided that:

a. at least one public hearing has been held in accordance with procedures established in 40 CFR 51.102;

b. other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

c. a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

d. prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the state has provided written notice to the appropriate federal land manager and afforded adequate opportunity (not in excess of 60 days) to confer with the state respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations, together with the reasons for making such redesignation against the recommendation of the federal land manager; and

e. the state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

3. Any area other than an area to which Subsection E of this Section refers may be redesignated as Class III if:

a. the redesignation would meet the requirements of Paragraph G.2 of this Section;

b. the redesignation, except any established by an Indian governing body, has been specifically approved by the governor of the state, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless state law provides that the redesignation must be specifically approved by state legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

c. the redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the

classification of any other area or any national ambient air quality standard; and

d. any permit application for any major stationary source or major modification, subject to review under Subsection L of this Section, which could receive a permit under this Section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

4. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to the administrative authority a proposal to redesignate areas Class I, Class II, or Class III, provided that:

a. the Indian governing body has followed procedures equivalent to those required of a state under Paragraph G.2 and Subparagraphs G.3.c and d of this Section; and

b. such redesignation is proposed after consultation with the states in which the Indian reservation is located and which border the Indian reservation.

## H. Stack Heights

1. The degree of emission limitation required for control of any air pollutant under this Section shall not be affected in any manner by:

a. so much of the stack height of any source as exceeds good engineering practice; or

b. any other dispersion technique.

2. Paragraph H.1 of this Section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

## I. Exemptions

1. The requirements of Subsections J-R of this Section shall not apply to a particular major stationary source or major modification if:

a. the major stationary source would be a nonprofit health or nonprofit educational institution or a major modification that would occur at such an institution; or

b. the source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, were considered in calculating the potential to emit of the stationary source or modification and such source does not belong to any following categories:

- i. coal cleaning plants (with thermal dryers);
- ii. kraft pulp mills;
- iii. portland cement plants;
- iv. primary zinc smelters;
- v. iron and steel mills;
- vi. primary aluminum ore reduction plants;
- vii. primary copper smelters;
- viii. municipal incinerators capable of charging more than 250 tons of refuse per day;
- ix. hydrofluoric, sulfuric, or nitric acid plants;
- x. petroleum refineries;
- xi. lime plants;
- xii. phosphate rock processing plants;
- xiii. coke oven batteries;
- xiv. sulfur recovery plants;

- xv. carbon black plants (furnace process);
- xvi. primary lead smelters;
- xvii. fuel conversion plants;
- xviii. sintering plants;
- xix. secondary metal production plants;
- xx. chemical process plants;
- xxi. fossil fuel boilers (or combination thereof)

totaling more than 250 million british thermal units per hour heat input;

- xxii. petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- xxiii. taconite ore processing plants;
- xxiv. glass fiber processing plants;
- xxv. charcoal production plants;
- xxvi. fossil fuel-fired steam electric plants of more than 250 million british thermal units per hour heat input;
- xxvii. any other stationary source category that, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act; or

c. the source or modification is a portable stationary source that has previously received a permit under requirements equivalent to those contained in Subsections J-R of this Section, if:

- i. the source proposes to relocate and emissions of the source at the new location would be temporary; and
- ii. the emissions from the source would not exceed its allowable emissions; and
- iii. the emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
- iv. reasonable notice is given to the administrative authority prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the administrative authority not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the administrative authority.

2. The requirements of Subsections J-R of this Section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under Section 107 of the Clean Air Act.

3. The requirements of Subsections K, M, and O of this Section shall not apply to a proposed major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from a new source, or the net emissions increase of that pollutant from a modification, would be temporary and impact no Class I area and no area where an applicable increment is known to be violated.

4. The requirements of Subsections K, M, and O of this Section as they relate to any maximum allowable increase for a Class II area shall not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each a regulated NSR pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

5. The administrative authority may exempt a stationary source or modification from the requirements of

Subsection M of this Section, with respect to monitoring for a particular pollutant, if:

- a. the emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide	575 $\mu\text{g}/\text{m}^3$	8-hour average
Nitrogen dioxide	14 $\mu\text{g}/\text{m}^3$	annual average
Particulate matter	10 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{10}$	24-hour average
Sulfur dioxide	13 $\mu\text{g}/\text{m}^3$	24-hour average
Ozone	No <i>de minimis</i> air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data.	
Lead	0.1 $\mu\text{g}/\text{m}^3$	3-month average
Fluorides	0.25 $\mu\text{g}/\text{m}^3$	24-hour average
Total reduced sulfur	10 $\mu\text{g}/\text{m}^3$	1-hour average
Hydrogen sulfide	0.2 $\mu\text{g}/\text{m}^3$	1-hour average
Reduced sulfur compounds	10 $\mu\text{g}/\text{m}^3$	1-hour average

- b. the concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in Subparagraph I.5.a of this Section; or

c. the pollutant is not listed in Subparagraph I.5.a of this Section.

6. Reserved.

7. Reserved.

8. The permitting requirements of Paragraph K.2 of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this Section before the provisions embodying the maximum allowable increase took effect as part of the applicable State Implementation Plan and the permitting authority subsequently determined that the application as submitted before that date was complete.

9. The permitting requirements of Paragraph K.2 of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for  $\text{PM}_{10}$  if:

a. the owner or operator of the source or modification submitted an application for a permit under this Section before the provisions embodying the maximum allowable increases for  $\text{PM}_{10}$  took effect in a State Implementation Plan to which this Section applies; and

b. the permitting authority subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements equivalent to Paragraph K.2 of this Section shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

#### J. Control Technology Review

1. A major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emission standard and standard of performance under 40 CFR Parts 60 and 61.

2. A new major stationary source shall apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

3. A major modification shall apply best available control technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

4. For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time that occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

K. Source Impact Analysis. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, including secondary emissions, would not cause or contribute to air pollution in violation of:

1. any national ambient air quality standard in any air quality control region; or

2. any applicable maximum allowable increase over the baseline concentration in any area.

#### L. Air Quality Models

1. All estimates of ambient concentrations required under this Subsection shall be based on applicable air quality models, databases, and other requirements specified in Appendix W of 40 CFR Part 51 (Guideline on Air Quality Models).

2. Where an air quality model specified in Appendix W of 40 CFR Part 51 (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with Subsection Q of this Section.

#### M. Air Quality Analysis

##### 1. Preapplication Analysis

a. Any application for a permit under this Section shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

i. for the source, each pollutant that it would have the potential to emit in a significant amount;

ii. for the modification, each pollutant for which it would result in a significant net emissions increase.

b. With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain such air quality monitoring data as the administrative authority determines is necessary to assess

ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

c. With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

d. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

e. For any application that became complete, except as to the requirements of Subparagraphs M.1.c and d of this Section, between June 8, 1981 and February 9, 1982, the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least the period from February 9, 1981, to the date the application became otherwise complete, except:

i. if the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over at least the period required by those regulations;

ii. if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least that shorter period;

iii. if the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the administrative authority may waive the otherwise-applicable requirements of this Subsection to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

f. The owner or operator of a proposed stationary source or modification of volatile organic compounds who satisfies all conditions of 40 CFR Part 51, Appendix S, Section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under Paragraph M.1 of this Section.

g. For any application that became complete, except as to the requirements of Subparagraphs M.1.c and d of this Section pertaining to PM<sub>10</sub>, after December 1, 1988 and no later than August 1, 1989, the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least the period from August 1, 1988, to the date the application becomes otherwise complete, except that if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that Subparagraph M.1.c of this Section requires shall have been gathered over that shorter period.

h. With respect to any requirements for air quality monitoring of PM<sub>10</sub> under Subparagraphs I.9.a and b of this

Section, the owner or operator of the source or modification shall use a monitoring method approved by the administrative authority and shall estimate the ambient concentrations of PM<sub>10</sub> using the data collected by such approved monitoring method in accordance with estimating procedures approved by the administrative authority.

2. Post-Construction Monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the administrative authority determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

3. Operations of Monitoring Stations. The owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR Part 58, Appendix B during the operation of monitoring stations for purposes of satisfying the requirements of this Subsection.

N. Source Information. The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this Section.

1. With respect to a source or modification to which Subsections J, L, N, and P of this Section apply, such information shall include:

a. a description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

b. a detailed schedule for construction of the source or modification;

c. a detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

2. Upon request of the administrative authority, the owner or operator shall also provide information on:

a. the air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

b. the air quality impacts, and the nature and extent of, any or all general commercial, residential, industrial, and other growth that has occurred since August 7, 1977, in the area the source or modification would affect.

O. Additional Impact Analyses

1. The owner or operator shall provide an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

2. The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification.

3. Visibility Monitoring. The administrative authority may require monitoring of visibility in any federal Class I area near the proposed new stationary source for major

modification for such purposes and by such means as the administrative authority deems necessary and appropriate.

P. Sources Impacting Federal Class I Areas—Additional Requirements

1. Notice to Federal Land Managers. The administrative authority shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the federal land manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the federal Class I area. The administrative authority shall also provide the federal land manager and such federal officials with a copy of the preliminary determination required under Subsection Q of this Section, and shall make available to them any materials used in making that determination, promptly after the administrative authority makes such determination. Finally, the administrative authority shall also notify all affected federal land managers within 30 days of receipt of any advance notification of any such permit application.

2. Federal Land Manager. The federal land manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality-related values, including visibility, of such lands and to consider, in consultation with the administrative authority, whether a proposed source or modification will have an adverse impact on such values.

3. Visibility Analysis. The administrative authority shall consider any analysis performed by the federal land manager, provided within 30 days of the notification required by Paragraph P.1 of this Section, that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the administrative authority finds that such an analysis does not demonstrate to the satisfaction of the administrative authority that an adverse impact on visibility will result in the federal Class I area, the administrative authority must, in the notice of public hearing on the permit application, either explain his decision or give notice as to where the explanation can be obtained.

4. Denial—Impact on Air Quality-Related Values. The federal land manager of any such lands may demonstrate to the administrative authority that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values, including visibility, of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the administrative authority concurs with such demonstration, then he shall not issue the permit.

5. Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the federal land manager that the emissions from such source or modification would have no adverse impact on the air quality-related values of any such lands, including visibility,

notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and he so certifies, the administrative authority, provided that the applicable requirements of this Section are otherwise met, may issue the permit with such emission limitations as may be necessary to ensure that emissions of sulfur dioxide, particulate matter, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants.

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter)
Particulate matter:	
PM <sub>10</sub> , annual arithmetic mean	17
PM <sub>10</sub> , 24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

6. Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence. The owner or operator of a proposed source or modification that cannot be approved under Paragraph P.4 of this Section may demonstrate to the governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of 24 hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this Paragraph would not adversely affect the air quality-related values of the area, including visibility. The governor, after consideration of the federal land manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the administrative authority may issue a permit to such source or modification in accordance with the requirements of Paragraph P.7 of this Section, provided that the applicable requirements of this Section are otherwise met.

7. Variance by the Governor with the President's Concurrence. In any case where the governor recommends a variance in which the federal land manager does not concur, the recommendations of the governor and the federal land manager shall be transmitted to the President. The President may approve the governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the administrative authority may issue a permit in accordance with the requirements of this Paragraph, provided that the applicable requirements of this Section are otherwise met.

8. Emission Limitations for Presidential or Gubernatorial Variance. In the case of a permit issued in accordance with Paragraph P.5 or 6 of this Section, the source or modification shall comply with such emission limitations as may be necessary to ensure that emissions of sulfur dioxide from the source or modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to

concentrations that would exceed the following maximum allowable increases over the baseline concentration and to ensure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period.

Period of Exposure	Maximum Allowable Increase [Micrograms per Cubic Meter]	
	Terrain Areas	
	Low	High
24-hr maximum	36	62
3-hr maximum	130	221

Q. Public Participation

1. The administrative authority shall notify all applicants within 60 days after receipt of the application as to the completeness of the application or any deficiency in the application or information submitted. In the event of such a deficiency, the date of receipt of the application shall be the date on which the administrative authority received all required information.

2. Within one year after receipt of a complete application, the administrative authority shall:

a. make a preliminary determination whether construction should be approved, approved with conditions, or disapproved;

b. make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination;

c. notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as written public comment;

d. send a copy of the notice of public comment to the applicant, the administrator, and officials and agencies having cognizance over the location where the proposed construction would occur, as follows:

i. any other state or local air pollution control agencies;

ii. the chief executives of the city and parish where the source would be located;

iii. any comprehensive regional land use planning agency; and

iv. any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification;

e. provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations;

f. consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing in making a final decision on the approvability of the application. The

administrative authority shall make all comments available for public inspection in the same locations where the administrative authority made available preconstruction information relating to the proposed source or modification;

g. make a final determination whether construction should be approved, approved with conditions, or disapproved;

h. notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the administrative authority made available preconstruction information and public comments relating to the source.

#### R. Source Obligation

1. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted in accordance with this Section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this Section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

2. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The administrative authority may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

3. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state, or federal law.

4. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of Subsections J-S of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

5. Reserved.

6. The provisions of this Paragraph apply to projects at an existing emissions unit at a major stationary source, other than projects at a source with a PAL, in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in Subparagraphs B.*Projected Actual Emissions*.a-c of this Section for calculating projected actual emissions.

a. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

i. a description of the project;

ii. identification of the emission units whose emissions of a regulated NSR pollutant could be affected by the project; and

iii. a description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Subparagraph B.*Projected Actual Emissions*.c of this Section and an explanation for why such amount was excluded, and any netting calculations, if applicable.

b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph R.6.a of this Section to the administrative authority. Nothing in this Subparagraph shall be construed to require the owner or operator of such a unit to obtain any determination from the administrative authority before beginning actual construction.

c. The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in Clause R.6.a.ii of this Section, and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

d. If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority within 60 days after the end of each year during which records must be generated under Subparagraph R.6.c of this Section setting out the unit's annual emissions during the calendar year that preceded submission of the report.

e. If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority if the annual emissions, in tons per year, from the project identified in Subparagraph R.6.a of this Section, exceed the baseline actual emissions, as documented and maintained in accordance with Clause R.6.a.iii of this Section, by a significant amount, as defined in Subsection B.*Significant* of this Section, for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained in accordance with Clause R.6.a.iii of this Section. Such report shall be submitted to the administrative authority within 60 days after the end of such year. The report shall contain the following:

i. the name, address, and telephone number of the major stationary source;

ii. the annual emissions as calculated in accordance with Subparagraph R.6.c of this Section; and

iii. any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

7. The owner or operator of the source shall make the information required to be documented and maintained in accordance with Paragraph R.6 of this Section available for review upon a request for inspection by the administrative authority or the general public in accordance with the requirements contained in 40 CFR 70.4(b)(3)(viii).

S. Reserved.

T. Reserved.

U. Reserved.

V. Innovative Control Technology

1. An owner or operator of a proposed major stationary source or major modification may request the administrative authority in writing, no later than the close of the comment period under Subsection Q.2.e of this Section, to approve a system of innovative control technology.

2. The administrative authority may, with the consent of the governor of affected states, determine that the source or modification may employ a system of innovative control technology, if:

a. the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

b. the owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under Paragraph J.2 of this Section by a date specified by the administrative authority. Such date shall not be later than four years from the time of startup or seven years from permit issuance;

c. the source or modification would meet the requirements of Subsections J and K of this Section, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the administrative authority;

d. the source or modification would not, before the date specified by the administrative authority:

i. cause or contribute to a violation of an applicable national ambient air quality standard; or

ii. impact any area where an applicable increment is known to be violated;

e. the provisions of Subsection P of this Section, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification;

f. all other applicable requirements including those for public participation have been met.

3. The administrative authority shall withdraw any approval to employ a system of innovative control technology made under this Subsection, if:

a. the proposed system fails by the specified date to achieve the required continuous emissions reduction rate;

b. the proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

c. the administrative authority decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

4. If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with Paragraph V.3 of this Section, the administrative authority may allow the source or

modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

W. Permit Rescission

1. Any permit issued under this Section or a prior version of this Section shall remain in effect, unless and until it expires under Subsection R of this Section or is rescinded.

2. Any owner or operator of a stationary source or modification who holds a permit for the source or modification that was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of 40 CFR 52.21, may request that the administrative authority rescind the permit or a particular portion of the permit.

3. The administrative authority shall grant an application for rescission if the application shows that this Section, as it existed at the time the permit was issued, would not apply to the source or modification.

4. If the administrative authority rescinds a permit under this Subsection, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.

X. Reserved.

Y. Reserved.

Z. Reserved.

AA. Actuals PALs. The following provisions govern actuals PALs.

1. Applicability

a. The administrative authority may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements of this Subsection. The term "PAL" shall mean "actuals PAL" throughout this Subsection.

b. Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this Subsection, and complies with the PAL permit:

i. is not a major modification for the PAL pollutant;

ii. does not have to be approved through the PSD program; and

iii. is not subject to the provisions in Paragraph R.4 of this Section (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).

c. Except as provided under Clause AA.1.b.iii of this Section, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

2. Definitions. For the purposes of this Subsection, the following definitions apply. When a term is not defined in this Paragraph, it shall have the meaning given in Subsection B of this Section or in the Clean Air Act.

a. *Actuals PAL*—a PAL for a major stationary source based on the *baseline actual emissions*, as defined in Subsection B of this Section, of all *emissions units*, as defined in Subsection B of this Section, at the source that emit or have the potential to emit the PAL pollutant.

b. *Allowable Emissions*—as defined in Subsection B of this Section, except for the following modifications.

i. The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

ii. An emissions unit's potential to emit shall be determined using the definition in Subsection B of this Section, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

c. *Major Emissions Unit*—

i. any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

ii. any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of *major stationary source* in Section 182(c) of the Clean Air Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

d. *Plantwide Applicability Limitation (PAL)*—an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this Subsection.

e. *PAL Effective Date*—generally, the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

f. *PAL Effective Period*—the period beginning with the PAL effective date and ending 10 years later.

g. *PAL Major Modification*—any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL, notwithstanding the definitions for *major modification* and *net emissions increase* in Subsection B of this Section.

h. *PAL Permit*—the major NSR permit, the minor NSR permit, or the state operating permit under a program that is approved into the State Implementation Plan or the Title V permit issued by the administrative authority that establishes a PAL for a major stationary source.

i. *PAL Pollutant*—the pollutant for which a PAL is established at a major stationary source.

j. *Significant Emissions Unit*—an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the *significant* level, as defined in Subsection B of this Section or in the Clean Air Act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a *major emissions unit* as defined in Subparagraph AA.2.c of this Section.

k. *Small Emissions Unit*—an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the *significant* level for that PAL pollutant, as defined in Subsection B of this Section or in the Clean Air Act, whichever is lower.

3. Permit Application Requirements. As part of a permit application requesting a PAL, the owner or operator

of a major stationary source shall submit the following information to the administrative authority for approval:

a. a list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit;

b. calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction;

c. the calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Subparagraph AA.13.a of this Section.

4. General Requirements for Establishing PALs

a. The administrative authority is allowed to establish a PAL at a major stationary source, provided that at a minimum, the following requirements are met.

i. The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

ii. The PAL shall be established in a PAL permit that meets the public participation requirements in Paragraph AA.5 of this Section.

iii. The PAL permit shall contain all the requirements of Paragraph AA.7 of this Section.

iv. The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

v. Each PAL shall regulate emissions of only one pollutant.

vi. Each PAL shall have a PAL effective period of 10 years.

vii. The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Paragraphs AA.12-14 of this Section for each emissions unit under the PAL through the PAL effective period.

b. At no time during or after the PAL effective period are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 40 CFR 51.165(a)(3)(ii) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

5. Public Participation Requirements for PALs. PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with 40 CFR 51.160 and 51.161. This includes the requirement that the administrative authority provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The administrative authority must address all material comments before taking final action on the permit.

6. Setting the 10-Year Actuals PAL Level

a. Except as provided in Subparagraph AA.6.b of this Section, the actuals PAL level for a major stationary source shall be established as the sum of the *baseline actual emissions*, as defined in Subsection B of this Section, of the PAL pollutant for each emissions unit at the source, plus an amount equal to the applicable *significant* level for the PAL pollutant, as defined in Subsection B of this Section, or in the Clean Air Act, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The administrative authority shall specify a reduced PAL level (in tons/yr) in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirement that the administrative authority is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO<sub>x</sub> to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit.

b. For newly-constructed units, which do not include modifications to existing units, on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in Subparagraph AA.6.a of this Section, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

7. Contents of the PAL Permit. The PAL permit shall contain, at a minimum, the following information:

a. the PAL pollutant and the applicable source-wide emission limitation in tons per year;

b. the PAL permit effective date and the expiration date of the PAL (PAL effective period);

c. specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with Paragraph AA.10 of this Section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period, but shall remain in effect until a revised PAL permit is issued by an administrative authority;

d. a requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions;

e. a requirement that, once the PAL expires, the major stationary source is subject to the requirements of Paragraph AA.9 of this Section;

f. the calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by Subparagraph AA.13.a of this Section;

g. a requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Paragraph AA.12 of this Section;

h. a requirement to retain the records required under Paragraph AA.13 of this Section on site. Such records may be retained in an electronic format;

i. a requirement to submit the reports required under Paragraph AA.14 of this Section by the required deadlines;

j. any other requirements that the administrative authority deems necessary to implement and enforce the PAL.

8. PAL Effective Period and Reopening of the PAL Permit

a. PAL Effective Period. The administrative authority shall specify a PAL effective period of 10 years.

b. Reopening of the PAL Permit

i. During the PAL effective period, the administrative authority must reopen the PAL permit to:

(a) correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(b) reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 40 CFR 51.165(a)(3)(ii); and

(c) revise the PAL to reflect an increase in the PAL as provided under Paragraph AA.11 of this Section.

ii. The administrative authority shall have discretion to reopen the PAL permit in order to:

(a) reduce the PAL to reflect newly applicable federal requirements (e.g., NSPS) with compliance dates after the PAL effective date;

(b) reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the state may impose on the major stationary source under the State Implementation Plan; and

(c) reduce the PAL if the administrative authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality-related value that has been identified for a federal Class I area by a federal land manager and for which information is available to the general public.

iii. Except for the permit reopening in Subclause AA.8.b.i.(a) of this Section for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Paragraph AA.5 of this Section.

9. Expiration of a PAL. Any PAL that is not renewed in accordance with the procedures in Paragraph AA.10 of this Section shall expire at the end of the PAL effective period, and the following requirements shall apply.

a. Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an

allowable emission limitation under a revised permit established according to the following procedures.

i. Within the time frame specified for PAL renewals in Subparagraph AA.10.b of this Section, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as decided by the administrative authority, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Subparagraph AA.10.e of this Section, such distribution shall be made as if the PAL had been adjusted.

ii. The administrative authority shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the administrative authority determines is appropriate.

b. Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The administrative authority may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

c. Until the administrative authority issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under Clause AA.9.a.ii of this Section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d. Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of *major modification* in Subsection B of this Section.

e. The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period, except for those emission limitations that had been established in accordance with Paragraph R.4 of this Section, but were eliminated by the PAL in accordance with the provisions in Clause AA.1.b.iii of this Section.

#### 10. Renewal of a PAL

a. The administrative authority shall follow the procedures specified in Paragraph AA.5 of this Section in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the administrative authority.

b. **Application Deadline.** A major stationary source owner or operator shall submit a timely application to the administrative authority to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is

renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

c. **Application Requirements.** The application to renew a PAL permit shall contain the following information:

i. the information required in Subparagraphs AA.3.a-c of this Section;

ii. a proposed PAL level;

iii. the sum of the potential to emit of all emissions units under the PAL, with supporting documentation;

iv. any other information the owner or operator wishes the administrative authority to consider in determining the appropriate level for renewing the PAL.

d. **PAL Adjustment.** In determining whether and how to adjust the PAL, the administrative authority shall consider the options outlined in Clauses AA.10.d.i and ii of this Section. However, in no case may any such adjustment fail to comply with Clause AA.10.d.iii of this Section.

i. If the emissions level calculated in accordance with Paragraph AA.6 of this Section is equal to or greater than 80 percent of the PAL level, the administrative authority may renew the PAL at the same level without considering the factors set forth in Clause AA.10.d.ii of this Section.

ii. The administrative authority may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the administrative authority in his or her written rationale.

iii. Notwithstanding Clauses AA.10.d.i and ii of this Section:

(a) if the potential to emit of the major stationary source is less than the PAL, the administrative authority shall adjust the PAL to a level no greater than the potential to emit of the source; and

(b) the administrative authority shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Paragraph AA.11 of this Section regarding increasing a PAL.

e. If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the administrative authority has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

#### 11. Increasing a PAL During the PAL Effective Period

a. The administrative authority may increase a PAL emission limitation only if the major stationary source complies with the following provisions.

i. The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

ii. As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units, exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

iii. The owner or operator shall obtain a major NSR permit for all emissions units identified in Clause AA.11.a.i of this Section, regardless of the magnitude of the emissions increase resulting from them (i.e., no significant levels apply). These emissions units shall comply with any emissions requirements resulting from the major NSR process (e.g., BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

iv. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

b. The administrative authority shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined in accordance with Clause AA.11.a.ii of this Section, plus the sum of the baseline actual emissions of the small emissions units.

c. The PAL permit shall be revised to reflect the increased PAL level in accordance with the public notice requirements of Paragraph AA.5 of this Section.

## 12. Monitoring Requirements for PALs

### a. General Requirements

i. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

ii. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in Clauses AA.12.b.i-iv of this Section and must be approved by the administrative authority.

iii. Notwithstanding Clause AA.12.a.ii of this Section, the owner or operator may also employ an alternative monitoring approach that meets the requirements of Clause AA.12.a.i of this Section if approved by the administrative authority.

iv. Failure to use a monitoring system that meets the requirements of this Paragraph renders the PAL invalid.

b. Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in Subparagraphs AA.12.c-i of this Section:

i. mass balance calculations for activities using coatings or solvents;

ii. CEMS;

iii. CPMS or PEMS; and

iv. emission factors.

c. Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

i. provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

ii. assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

iii. where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator shall use the highest value of the range to calculate the PAL pollutant emissions unless the administrative authority determines there is site-specific data or a site-specific monitoring program to support another content within the range.

d. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and

ii. CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

e. CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. the CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit; and

ii. each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the administrative authority, while the emissions unit is operating.

f. Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

i. all emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

ii. the emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

iii. if technically practicable, the owner or operator of a significant emissions unit that relies on an emission

factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the administrative authority determines that testing is not required.

g. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

h. Notwithstanding the requirements in Subparagraphs AA.12.c-g of this Section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the administrative authority shall, at the time of permit issuance:

i. establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating points; or

ii. determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the administrative authority. Such testing must occur at least once every five years after issuance of the PAL.

### 13. Recordkeeping Requirements

a. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of Subsection AA of this Section and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.

b. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:

i. a copy of the PAL permit application and any applications for revisions to the PAL; and

ii. each annual certification of compliance in accordance with Title V of the Clean Air Act and the data relied on in certifying the compliance.

14. Reporting and Notification Requirements. The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the administrative authority in accordance with the applicable Title V operating permit program. The reports shall meet the following requirements.

a. Semiannual Report. The semiannual report shall be submitted to the administrative authority within 30 days of the end of each reporting period. This report shall contain the following information:

i. the identification of the owner or operator and the permit number;

ii. total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded in accordance with Subparagraph AA.13.a of this Section;

iii. all data relied upon, including but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;

iv. a list of any emissions units modified or added to the major stationary source during the preceding 6-month period;

v. the number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken;

vi. a notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by Subparagraph AA.12.g of this Section;

vii. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

b. Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted in accordance with 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports shall contain the following information:

i. the identification of the owner or operator and the permit number;

ii. the PAL requirement that experienced the deviation or that was exceeded;

iii. emissions resulting from the deviation or the exceedance; and

iv. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

c. Revalidation Results. The owner or operator shall submit to the administrative authority the results of any revalidation test or method within three months after completion of such test or method.

### 15. Transition Requirements

a. No administrative authority may issue a PAL that does not comply with the requirements of this Subsection after the administrator has approved regulations incorporating these requirements into the State Implementation Plan.

b. The administrative authority may supersede any PAL that was established prior to the date of approval of the State Implementation Plan by the administrator with a PAL that complies with the requirements of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR

14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135 (December 2005).

Herman Robinson, CPM  
Executive Counsel

0512#052

## RULE

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Nonattainment New Source Review;  
Prevention of Significant Deterioration  
(LAC 33:III.504 and 509)(AQ246LS)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.504 and 509 (Log #AQ246LS).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in §51.166) or Part D (nonattainment NSR permit program in §51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is a revision to the Louisiana State Implementation Plan for air quality.

The department's Rule AQ246FS adopts the federal rule. This Rule, AQ246LS, includes Louisiana revisions put forward by the department. These revisions supersede text in Rule AQ246FS. According to the Administrative Procedure Act (R.S. 49:953(F)(1)), the department is required to propose a Rule that differs from a federal rule separately from a Rule that is identical to a federal Rule.

Louisiana's Rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD

application within 180 days. Louisiana's Rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "projected actual emissions." For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's Rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

The department has made substantive changes to address comments received during the public comment period of proposed rule AQ246L. Louisiana's June 20, 2005, AQ246L proposal eliminated "malfunctions" from the definitions of *baseline actual emissions* and *projected actual emissions*. Because the state's proposed regulation did not mirror the corresponding federal requirement, the department must demonstrate that such provisions are at least as stringent as the federal rule. With these substantive changes, "malfunctions" will be reinstated where previously omitted, but defined. The federal rule does not define "malfunction." AQ246LS establishes that for purposes of LAC 33:III.504 and 509, malfunctions shall include any such emissions authorized by permit, variance, or the on-line operating adjustment provisions of LAC 33:III.1507.B and 2307.C.2, but exclude any emissions that are not compliant with federal or state standards. The addition of a definition which clarifies that the only "malfunction" emissions to be excluded are those not compliant with federal or state standards ensures that the state rule is at least as stringent as the federal rule.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 5. Permit Procedures

#### §504. Nonattainment New Source Review Procedures

A. - D.9.a.iii. ... [See AQ246FS]

b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph D.9.a of this Section to the administrative authority.

9.c. - 10. ... [See AQ246FS]

11. For a project originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that the project has resulted or will now result in a significant net emissions increase, the owner or operator must either:

a. request that the administrative authority limit the potential to emit of the affected emissions units (including

those used in netting) as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result; or

b. submit a revised permit application within 180 days requesting that the original project be deemed a major modification.

E. - J.3.a. ... [See AQ246FS]

b. calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also authorized emissions associated with startup, shutdown, and malfunction;

3.c. - 7.c. ... [See AQ246FS]

d. a requirement that emission calculations for compliance purposes include emissions associated with startup, shutdown, and malfunction;

7.e. - 15.b. ... [See AQ246FS]

K. Definitions. The terms in this Section are used as defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

\*\*\*

[See AQ246FS]

*Baseline Actual Emissions*—the rate of emissions, in tons per year, of a regulated pollutant, determined as follows.

a. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions.

a.ii. - b. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions.

b.ii. - d. ... [See AQ246FS]

\*\*\*

[See AQ246FS]

*Clean Coal Technology*—repealed from AQ246FS.

*Clean Coal Technology Demonstration Project*—repealed from AQ246FS.

\*\*\*

[See AQ246FS]

*Major Modification*—

a. - c.vii. ... [See AQ246FS]

viii. Repealed from AQ246FS.

d. ... [See AQ246FS]

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[See AQ246FS]

*Malfunctions*—for purposes of this Section, *malfunctions* shall include any such emissions authorized by permit, variance, or the on-line operating adjustment provisions of LAC 33:III.1507.B and 2307.C.2, but exclude any emissions that are not compliant with federal or state standards.

\*\*\*

[See AQ246FS]

*Projected Actual Emissions*—the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10

years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

a. ... [See AQ246FS]

b. shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions; and

c. - d. ... [See AQ246FS]

\*\*\*

[See AQ246FS]

*Temporary Clean Coal Technology Demonstration Project*—repealed from AQ246FS.

\*\*\*

[See AQ246FS]

L. ... [See AQ246FS]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3155 (December 2005).

### §509. Prevention of Significant Deterioration

A. - A.6. ... [See AQ246FS]

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

\*\*\*

[See AQ246FS]

*Baseline Actual Emissions*—the rate of emissions, in tons per year, of a regulated NSR pollutant, determined as follows.

a. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions.

a.ii. - b. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions.

b.ii. - d. ... [See AQ246FS]

\*\*\*

[See AQ246FS]

*Clean Coal Technology*—repealed from AQ246FS.

*Clean Coal Technology Demonstration Project*—repealed from AQ246FS.

\*\*\*

[See AQ246FS]

*Major Modification*—

a. - c.vii. ... [See AQ246FS]

- viii. Repealed from AQ246FS.  
d. ... [See AQ246FS]

\*\*\*

[See AQ246FS]

*Malfunctions*—for purposes of this Section, *malfunctions* shall include any such emissions authorized by permit, variance, or the on-line operating adjustment provisions of LAC 33:III.1507.B and 2307.C.2, but exclude any emissions that are not compliant with federal or state standards.

\*\*\*

[See AQ246FS]

*Projected Actual Emissions*—the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

- a. ... [See AQ246FS]  
b. shall include fugitive emissions to the extent quantifiable, and authorized emissions associated with startups, shutdowns, and malfunctions; and  
c. - d. ... [See AQ246FS]

*Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit*—repealed from AQ246FS.

\*\*\*

[See AQ246FS]

*Repowering*—repealed from AQ246FS.

\*\*\*

[See AQ246FS]

*Temporary Clean Coal Technology Demonstration Project*—repealed from AQ246FS.

- C. - R.6.a.iii. ... [See AQ246FS]  
b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph R.6.a of this Section to the administrative authority.  
6.c. - 7. ... [See AQ246FS]  
8. Revisions to Projected Actual Emissions. For a project originally evaluated in accordance with Paragraph A.3 of this Section and determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that the project has resulted or will now result in a significant net emissions increase, the owner or operator shall:  
a. request that the administrative authority limit the potential to emit of the affected emissions units (including those used in netting) as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result; or  
b. submit a revised PSD application within 180 days requesting that the original project be deemed a major modification.

S. - AA.3.a. ... [See AQ246FS]

b. calculations of the baseline actual emissions, with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also authorized emissions associated with startup, shutdown, and malfunction;

3.c. - 15.b. ... [See AQ246FS]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3156 (December 2005).

Herman Robinson, CPM  
Executive Counsel

0512#053

## RULE

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Waste Tire Management Fund Grants and Loans  
(LAC 33:VII.10505, 10539, 10541 and 10543)(SW040P)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has adopted the Solid Waste regulations, LAC 33:VII.10505, 10537, 10538, and 10539 (Log #SW040P).

The rule provides the guidelines for persons to apply for grants and loans from the Waste Tire Management Fund. The rule provides a formal process for persons applying for the use of the funds to supply the information necessary for the department to make a decision on whether the proposal serves the purpose of solving the state's waste tire problem. The rule also provides for penalties for violations of the terms and conditions imposed on the use of the funds. Act 789 of the 2003 Regular Session of the Louisiana Legislature amended R.S. 30:2418(H)(3) to provide that 5 percent of the funds in the Waste Tire Management Fund be set aside for providing technical assistance to encourage market research and development projects and to encourage the development of products that are marketable and provide a beneficial use and for promotion of those products that have a beneficial use. The basis and rationale for this Rule are to provide guidance on applying for grants and loans from the Waste Tire Management Fund.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family

formation, stability, and autonomy as described in R.S. 49:972.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part VII. Solid Waste**  
**Subpart 2. Recycling**

**Chapter 105. Waste Tires**

**§10505. Definitions**

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

\* \* \*

*Applicant*—any person submitting a grant and or loan application for funds from the Waste Tire Management Fund.

\* \* \*

*Grant*—any funds awarded by the department from the Waste Tire Management Fund to a person subject to a grant agreement.

*Grant Agreement*—a written contract or other written agreement between the department and the recipient of a grant that defines the conditions, goals, and responsibilities of the recipient and the department.

*Grant Application*—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a grant from the Waste Tire Management Fund.

*Grantee*—the recipient of a grant or loan.

*Loan*—any issuance of funds by the department from the Waste Tire Management Fund to a person subject to a loan agreement.

*Loan Agreement*—a written contract or other written agreement between the department and the recipient of a loan that defines the conditions, goals, and responsibilities of the recipient and the department.

*Loan Application*—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a loan from the Waste Tire Management Fund.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005).

**§10539. Grants and Loans Applicability**

A. The department may award a grant or loan to a person for any use that serves the purpose of:

1. encouraging market research and the development of products from waste tires that are marketable and provide a beneficial use; and/or
2. promoting those waste tire products that have beneficial use; and
3. assisting in solving the state's waste tire problem.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005).

**§10541. Application for a Grant or Loan**

A. A person may apply for a grant or loan from the Waste Tire Management Fund by making application to the Department of Environmental Quality, Office of Management and Finance. The grant or loan application must be submitted on a form obtained from the department, which shall be available on the department's website. Along with this form, the request for a grant or loan must include information on the following non-exclusive items:

1. a detailed description of the project for which the grant or loan is requested and how the project meets the requirements of LAC 33:VII.10539;
2. the amount of the grant or loan request;
3. the projected time frame for completion of the project for which the grant or loan is requested;
4. an analysis of how the grant or loan monies will be used to encourage market research and the development of products from waste tires that are marketable and that provide a beneficial use, and/or provide for the promotion of those waste tire products that have beneficial use;
5. a detailed explanation of how the grantee will account for the use of the grant or loan funds;
6. procedures for reporting to the department on an annual basis the status of the project. The department may require additional reporting;
7. how the recipient will provide for any permits that may be necessary in order for the project to be completed, and the status of the applicant's efforts to obtain the necessary permits; and
8. any other information deemed necessary by the department.

B. Upon receipt of the grant application or loan application, the department shall review the application, may request additional information from the applicant, may deny the application, or may grant the application.

1. The denial of a grant application or loan application is a final decision of the administrative authority.

2. The granting of the application does not award funds, but allows for the applicant and the department to enter into a grant or loan agreement. The grant or loan agreement constitutes the conditions, goals, and responsibilities of the recipient and the department. The grant agreement or loan agreement, as a condition of the agreement, may require offsets for amounts due from any subsidy payments made in accordance with LAC 33:VII.10535.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005).

**§10543. Violations**

A. Failure to Comply. The grantee shall comply with all provisions of the grant agreement or loan agreement. In the event of a violation, the department may take any enforcement action authorized by the Act, including but not limited to:

1. issuance of a compliance order;
2. issuance of a notice of potential penalty and/or a penalty;

3. filing suit for recovery of the grant or loan amounts;  
or  
4. the placing of a lien on any real property of the grantee for the amount of the grant or loan funds.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005).

Herman Robinson, CPM  
Executive Counsel

0512#056

**RULE**

**Office of the Governor  
Board of Architectural Examiners**

**Rules of Conduct (LAC 46:I.1901)**

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners ("board") amended LAC 46:1901.E.1 pertaining to a branch office of a firm offering architectural services. The existing Rule provides that any office offering architectural services shall have an architect resident and regularly employed in that office. The amended Rule deletes the requirement that an office of a firm offering architectural services have an architect resident and regularly employed in that office, provided certain safeguards are in place.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part I. Architects**

**Chapter 19. Rules of Conduct: Violations**

**§1901. Rules of Conduct**

A. - D.3. ...

E. Professional Conduct

1. Any branch office of a firm rendering or offering architectural services to the public shall be registered with the board as a branch office and shall either have an architect resident and regularly employed in that office, or have a designated registrant in charge of the architectural services provided by that office. The designated registrant shall make periodic visits to the branch office, have direct knowledge and supervisory control of the architectural services provided by that office, and shall be responsible for all of the work performed by that office. In the event a branch office does not have an architect resident and regularly employed therein, the branch office shall inform any person using its services of that fact and of the identity of the designated registrant.

COMMENTARY This Rule previously provided that any branch office offering architectural services to the public shall have an architect resident and regularly employed in that office. With advances in technology and changes in architectural practice, the board concluded that this requirement is no longer necessary to protect the public health, safety, and welfare, provided certain safeguards are in place. This rule sets forth those safeguards.

At the same time, the board believes that a potential client seeking architectural services might fairly and reasonably assume that an office offering such services has an architect resident and regularly employed therein. Accordingly, an

office offering architectural services to a potential client which does not have an architect resident and regularly employed therein should disclose that fact to the potential client.

AUTHORITY NOTE : Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 31:3159 (December 2005).

Mary "Teeny" Simmons  
Executive Director

0512#061

**RULE**

**Office of the Governor  
Commission on Law Enforcement and  
Administration of Criminal Justice**

**Peace Officer Training (LAC 22:III.4705 and 4709)**

In accordance with the Administrative Procedure Act, and R.S. 40:2401 et seq., the Commission on Law Enforcement and Administration of Criminal Justice has amended its rules and regulations relative to the training of peace officers.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE  
AND LAW ENFORCEMENT**

**Part III. Commission on Law Enforcement and  
Administration of Criminal Justice**

**Subpart 4. Peace Officers**

**Chapter 47. Standards and Training**

**§4705. Registration of Officers**

A. - B.4.c. ...

d. Grandfathering/registration shall become invalid if officer experiences a five year or more break in full time law enforcement service and has less than five years full-time experience.

C. Officers, who were hired prior to January 1, 1986, and who experience a five-year or more break in full time law enforcement, and had at least five years of full-time service, can reinstate their grandfathership by successfully completing:

1. the "Firearms" section of the Louisiana Law Enforcement Training Manual (40 minimum hours);
2. the "Legal Aspects" section of the Louisiana Law Enforcement Basic Training Manual ( 40 minimum hours);
3. the necessary requirements for POST registration in accordance with the provisions of §4705.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), LR 31:3159 (December 2005).

**§4709. Interruption of Full-Time Service**

A. Any peace officer hired prior to January 1, 1986 who interrupts his full-time law enforcement for a period in excess of five years and is thereafter rehired, shall be required to meet the basic training requirements for new peace officers unless the officer had:

1. at least a minimum of five years experience, then the officer must meet the requirement of §4705.C; or

2. had already completed a POST certified basic training course, he shall then be required to complete the Legal Aspects and firearms portion of the course, qualify on the POST firearms qualification course, and pass the statewide examination, at an accredited training center. Proof of basic training will be required. If the students fails the statewide examination, the student must complete a full basic training course.

B. Any officer hired after January, 1986, who interrupts his full-time law enforcement service for a period not to exceed five years and had at least a minimum of two years full-time experience, must qualify with his/her firearms to reinstate their certification. If the officer fails to requalify, then the officer must attend a full 40-hour training course with firearms, and successfully requalify to reinstate their certification. If the officer had interrupted his full time service for a period of five years but had less than two years full time experience, then the officer must meet the requirements for "refreshers" outlined in §4709.A.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), LR 25:664 (April 1999), LR 31:3159 (December 2005).

Michael A. Ranatza  
Executive Director

0512#058

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

Corrupt and Prohibited Practices—Human Recombinant Erythropoietin and/or Darbepoietin (LAC 35:I.1716)

The Louisiana State Racing Commission hereby adopts LAC 35:I.1716, "Human Recombinant Erythropoietin and/or Darbepoietin," as follows.

**Title 35**

**HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1716. Human Recombinant Erythropoietin and/or Darbepoietin**

A. The possession and/or use of human recombinant erythropoietin and/or darbepoietin is strictly prohibited, and shall be classified as an RCI Category I substance. Every horse eligible to race in Louisiana is subject to random testing for these and other substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:3160 (December 2005).

Charles A. Gardiner III  
Executive Director

0512#029

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

Purses from Video Poker (LAC 35:III.5736)

The Louisiana State Racing Commission hereby adopts LAC 35:III.5736, "Purses from Video Poker," as follows.

**Title 35**

**HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Associations' Duties and Obligations**

**§5736. Purses from Video Poker**

A. ...

1. Two-thirds of the total funds to all thoroughbred racing associations, proportionately distributed to each association based on the number of prior calendar year thoroughbred race days per track to the total number of prior calendar year thoroughbred race days. Such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association, and only on Louisiana-bred thoroughbred races with purses not exceeding \$20,000.

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 27:323 and R.S. 33:4862.23.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:3160 (December 2005).

Charles A. Gardiner III  
Executive Director

0512#028

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

Vesting of Title; Tests (LAC 35:XI.9913)

The Louisiana State Racing Commission hereby amends LAC 35:XI.9913 "Vesting of Title; Tests," as follows.

**Title 35**

**HORSE RACING**

**Part XI. Claiming Rules and Engagements**

**Chapter 99. Claiming Rule**

**§9913. Vesting of Title; Tests**

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after.

B. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin antibodies.

1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.

2. Should the test for recombinant erythropoietin and/or darbepoietin antibodies prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.

C. Additionally, if such erythropoietin and/or darbepoietin antibody positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.

D. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.

E. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.

1. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

2. Blood samples drawn to detect by immunoassay the antibody to recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.

F. Notwithstanding any inconsistent provision of this Part, a horse shall not be subject to disqualification from the race and from any share of the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that the antibody of erythropoietin and/or darbepoietin was present in the sample taken from that horse

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), LR 5:136 (June 1979), amended by the Office of the Governor, Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 31:3160 (December 2005).

Charles A. Gardiner III  
Executive Director

0512#027

## RULE

### Department of Health and Hospitals Board of Medical Examiners

#### Occupational Therapy—Continuing Professional Education (LAC 46:XLV.1967, 1969 and 1971)

The Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the Louisiana Occupational Therapy Practice Act, R.S. 37:3001-3014, and the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:951, et seq., has

amended administrative Rules governing continuing professional education for occupational therapists and occupational therapy assistants, LAC 46:XLV, Subpart 2, Chapter 19, Subchapter H, §§1967, 1969 and 1971. The rule amendments are set forth below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 2. Licensure and Certification

#### Chapter 19. Occupational Therapists and Occupational Therapy Assistants

#### Subchapter H. Continuing Professional Education

#### §1967. Qualifying Continuing Professional Education Programs

A. To be acceptable as qualified continuing professional education under these rules a program shall:

1. have significant and substantial theoretical and/or practical content directly related to the practice of occupational therapy, or the development, administration, and supervision of clinical practice;

2. - 5. ...

B. Self-study or independent study, to be acceptable as qualified continuing professional education under these rules, shall be sponsored or offered by the AOTA, by an AOTA approved provider, or the LOTA.

C. A licensee may earn hour for hour continuing education units (up to a maximum of 5 hours per year) for initial presentations, workshops and institutes presented by the licensee when documented by an official program, schedule or syllabus containing title, date, hours and type of audience.

D. A licensee may earn continuing education units (up to a maximum of 5 hours per year) for publications appearing in a peer-reviewed professional journal, a book on theory/practice of occupational therapy, or chapter(s) in a book. Documentation shall consist of the full reference of the publication including, title, author, editor and date of publication or, if not yet published, a copy of a letter of acceptance for publication.

E. None of the following programs, seminars, or activities shall be deemed to qualify as acceptable continuing professional education programs under these rules:

1. any program, seminar or activity not meeting the standards prescribed by §1967.A.-D;

2. any program, presentation, seminar, or course of instruction not providing the participant an opportunity to ask questions or seek clarification of specific matters presented;

3. mentoring, training, or supervisory activities;

4. holding office in professional or governmental organizations, agencies, or committees;

5. participation in case conferences or informal presentations;

6. writing articles for publications that are not peer-reviewed, writing grant applications, or developing or participating in research projects; or

7. reading books or journals, viewing videos, or similar activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 31:3161 (December 2005).

**§1969. Approval of Program Sponsors**

A. Any program, course, seminar, workshop, self-study, independent study or other activity meeting the standards prescribed by §1967.A.-D sponsored or offered by the AOTA, by an AOTA approved provider, or the LOTA shall be presumptively deemed approved by the board for purposes of qualifying as an approved continuing professional education program under these rules.

B. Upon the recommendation of the advisory committee, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing professional education program under §1967.A.-D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 31:3162 (December 2005).

**§1971. Approval of Programs**

A. A continuing professional education program sponsored by an organization or entity not deemed approved by the board pursuant to §1969.A.-D may be preapproved by the board as a program qualifying and acceptable for satisfying continuing professional education requirements under this Subchapter upon written request to the board therefore, upon a form supplied by the board, providing a complete description of the nature, location, date, content, and purpose of such program and such other information as the board or the advisory committee may request to establish the compliance of such program with the standards prescribed by §1967.A.-D. Any such request for preapproval respecting a program which makes and collects a charge for attendance shall be accompanied by a nonrefundable processing fee of \$30.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 31:3162 (December 2005).

Kim Edward LeBlanc, M.D., Ph.D.  
President

0512#030

**RULE**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

Veterinary Practice—Wellness Clinic  
(LAC 46:LXXXV.700 and 711)

The Louisiana Board of Veterinary Medicine amends LAC 46:LXXXV.700 and 711 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1569. This text is amended to clarify and implement the regulatory requirements of a licensed veterinarian conducting a wellness or preventative care clinic in keeping with its

function as defined by the State Legislature in the Veterinary Practice Act. The Rule will clarify and implement requirements for a veterinarian licensed by the board to administer vaccines, perform examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. The amendment to the Rules is set forth below. This Rule is currently in effect as an Emergency Rule readopted on December 1, 2005 for the next 120 days from this date or until adoption of the final Rule, whichever occurs first.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXXXV. Veterinarians**

**Chapter 7. Veterinary Practice**

**§700. Definitions**

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*Wellness or Preventative Care Clinic*—a service in which a veterinarian licensed by the board administers vaccine, performs examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, or mobile clinic. A program for the administration of rabies vaccination conducted at a location solely for the specific purpose of rabies prevention shall not be considered a wellness or preventative care clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR 24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005).

**§711. Definitions and Classification of Practice**

**Facilities**

A. - D.2. ...

E. A wellness or preventative care clinic shall have a published physical address for the specific location, telephone facilities for responding to emergency situations, and the following.

1. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide laboratory services, hospitalization, surgery, and/or radiology, if these services are not available at the wellness or preventative care clinic.

2. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide emergency care services. A notice of available emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, shall be posted in a conspicuous place at the wellness or preventative care clinic, and a copy of the notice or information shall be given to each client prior to the administration of a vaccine, the performance of an examination and/or a diagnostic procedure to promote good health.

3. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

4. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical records for the patients as set forth in the board's rules on record keeping. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be the owner of the medical records of the patients.

5. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for consultation with clients and the prompt referral of patients when disease, illness or a medical condition is diagnosed.

6. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be responsible for the information and representations provided to the clients by the staff at the wellness or preventative care clinic.

7. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place at each location of a wellness or preventative care clinic.

8. Operation of a wellness or preventative care clinic shall also have the following on site at each location:

- a. a clean, safe location;
- b. meet local and state sanitation requirements;
- c. lined waste receptacles;
- d. fresh, running water for cleaning purposes and first aid;
- e. an examination area with good lighting and smooth, easily disinfected surfaces;
- f. all drugs, medicines, or chemicals shall be stored, inventoried, prescribed, administered, dispensed, and/or used in accordance with federal, state and local laws and rules;
- g. all equipment shall be kept clean and in proper working order;
- h. the ability to address sudden life-threatening emergencies which may arise, including the availability, on site, of oxygen, resuscitation drugs, treatment for shock, and fluid administration materials; and
- i. the proper disposal of biomedical waste and the required facilities, on site, for such disposal, as well as documentation on site to verify the proper disposal of biomedical waste.

9. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

10. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall be

responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide a copy of any signed written agreement, including renewal, extension or amendment, required by this rule to the board prior to commencement of the terms of the agreement.

12. The veterinarian operating or providing permissible services in a wellness or preventative care clinic shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 31:3162 (December 2005).

Wendy D. Parrish  
Administrative Director

0512#064

## RULE

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

Medical Transportation Program  
Emergency Ambulance Services  
Certification for Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

## Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing discontinues the requirement for completion of the medical transportation certification form for reimbursement of emergency ambulance services. In order to submit a claim for Medicaid reimbursement, the emergency ambulance trip must meet the definition of emergency response as defined by the Centers for Medicare and Medicaid Services. All claims for emergency ambulance services are subject to post pay review.

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

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

0512#097

## RULE

### Department of Revenue Policy Services Division

#### Donations to the Louisiana Military Family Assistance Fund (LAC 61:III.1101)

Under the authority of R.S. 47:120.31, 297.5, 306.2, and 1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:III.1101 to provide for the administration of Acts 2005, No. 151, which authorizes donations to the Louisiana Military Family Assistance Fund by designation on state income and sales tax returns.

#### Title 61

#### REVENUE AND TAXATION

#### Part III. Department of Revenue—Administrative Provisions and Miscellaneous

#### Chapter 11. Donations

#### §1101. Donations to the Louisiana Military Family Assistance Fund

A. Taxpayers filing individual or corporate income or sales and use tax returns may designate all or any portion of a refund, credit, or vendor's compensation as a donation, or may donate an amount greater than the tax or refund due to the Louisiana Military Family Assistance Fund (Fund) at the time that the tax returns are submitted to the Department of Revenue.

1. For corporate and individual income tax, returns for tax periods beginning on or after January 1, 2005, may include a designated donation.

2. For sales and use tax, returns for tax periods beginning on or after January 1, 2006, may include a designated donation.

B. To make a donation to the fund, the taxpayer must comply with all of the requirements for proper payment of the tax due including filing a correct return and paying all taxes, interest, and penalties due.

1. The taxpayer must properly designate the amount of the donation intended on the tax return form.

2. The taxpayer may donate all or a portion of any refund, credit, or vendor's compensation to the fund by designating the amount to be donated on the appropriate line of the return.

3. The taxpayer may contribute additional amounts to the fund by increasing the amount of the payment made for taxes, interest, and penalties due and designating the amount to be donated on the appropriate line of the return. Any additional donation must accompany the return. Donations not accompanying the filing of a return will be returned.

4. Once a taxpayer has made the election to donate, the taxpayer may not change the donation amount after the tax return has been filed.

#### C. Adjustments to Donation Amounts

1. Donation of Vendor's Compensation or Overpayments

a. If a taxpayer elects to donate all or any portion of an expected overpayment and the amount of the overpayment is reduced because of return errors or disallowance of vendor's compensation, the donation amount will be reduced accordingly.

b. If a taxpayer elects to donate all or any portion of their vendor's compensation or an expected overpayment and the taxpayer has other outstanding liabilities for other taxes or tax periods, the overpayment will first be applied to the outstanding tax liabilities and the donation amount will be reduced accordingly.

c. If a taxpayer elects to donate all or any portion of their vendor's compensation or an expected overpayment and the taxpayer is subject to other offsets, garnishments, liens, or seizures, the overpayment will first be applied to those legal responsibilities and the donation amount will be reduced accordingly.

2. Additional Donations. If a taxpayer elects to contribute additional amounts by increasing the amount of the tax return payment and the amount due on the return is increased because of return errors or disallowance of vendor's compensation or the taxpayer fails to pay in full the amount shown due on the return, the taxes due will not be considered properly paid as required by §1101.B and the donation amount will be reduced accordingly.

3. Taxpayers will be notified of any donation adjustments.

4. The department will not seek to collect amounts designated as a donation by the taxpayer if the donation amount is adjusted as provided by §1101.C.1-2.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:120.31, 297.5, 306.2 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 31:3164 (December 2005).

Cynthia Bridges  
Secretary

0512#002

## RULE

### Department of State Elections Division

#### Voter Registration and Voter Education (LAC 31:II.Chapter 7)

Under the authority of R.S. 18:18(A)(8)(a), Public Law 107-252 (Help America Vote Act of 2002), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Secretary of State hereby adopts uniform rules, regulations, forms, and instructions as to standards for effective non-partisan voter registration and voter education in the state of Louisiana.

#### Title 31

#### ELECTIONS

#### Part II. Voter Registration and Voter Education Chapter 7. Standards for Effective Non-Partisan Voter Registration and Voter Education

#### §701. Department of State's Outreach Activities

A. The department shall develop and update material to be utilized in the department's outreach efforts related to voter registration and voter education. In order to convey the department's outreach message, the department will: send out press releases statewide; make public awareness appearances at public meetings and at educational institutions; hold mock elections; conduct elections (e.g.,

schools, unions, etc.); and participate in media interviews on television programs and radio station programs.

B. With the passage of the Help America Vote Act of 2002 (HAVA), the department will be procuring a new electronic voting system. As a result, the department shall develop educational materials for voters regarding the use of the voting system in the form of instructional brochures and visual presentations. In accordance with the provisions of R.S. 18:563(C), voters are allowed only three minutes to vote on election day. Therefore, these educational materials will be vital to the successful operation of the voting system by the voters and the voting process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(8)(a), R.S. 18:563(C), Public Law 107-252, and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 31:3164 (December 2005).

### **§703. Registrars of Voters**

A. All registrars of voters are required to participate in the state's annual voter registration week. The department will be required to provide uniform information to registrars of voters to use when conducting certain outreach activities. These activities shall encourage Louisiana citizens to register to vote, to exercise their right to vote, and to encourage participation of voters as election poll workers. In addition, new registrants and existing registrants will receive information on early voting in person, voting absentee by mail, and voting in person on election day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(8)(a), Public Law 107-252, and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 31:3165 (December 2005).

### **§705. Annual Voter Registration Week**

A. Under the provisions of R.S. 18:18(A)(8)(b), the official state voter registration week shall be held annually during the last full week which occurs two weeks prior to the close of registration books for the regular fall primary election. Registrars of voters and their employees are an integral part of this process. Representatives from the Louisiana Registrars of Voters Association shall work with the department on the development of the outreach presentation for various groups of participants. The department will annually update registrars of voters on any legislative changes that will affect outreach activities and information.

B. Voter registration outreach activities should be structured to encourage participants who are not registered to vote to register. Participants should be provided the following information:

1. the requirements to register to vote;
2. how to update voter registration information (such as changes in name and address);
3. voter registration deadlines for scheduled election dates;
4. why a registrant may be removed from the voter registration roles; and
5. registration for individuals with disabilities and residents in nursing homes.

C. During the annual voter registration week, the focus of the department and registrars of voters will not only be on voter registration. Registrars of voters will be encouraging registered voters to go out and exercise their right to vote by informing citizens of the following:

1. the registrant's voting rights;
2. the procedures to follow during early voting in person or voting absentee by mail:
  - a. timing of early voting in person and location of early voting for various scheduled election dates during the year;
  - b. timing of voting absentee by mail;
  - c. type of identification required for early voting in person;
  - d. how to vote absentee by mail;
  - e. how to vote if the registrant is in the military or resides overseas;
  - f. special handicap program for individuals with disabilities; and
  - g. special program for residents of nursing homes;
3. how to vote in person on election day:
  - a. time the polls open and close;
  - b. type of identification required to vote at the polls;
  - c. how individuals with disabilities can vote;
  - d. election dates scheduled during the year; and
  - e. provisional balloting procedures for federal elections only;
4. how to cast a vote;
5. where to obtain a sample ballot;
6. how to use the voting system for that parish;
7. encouraging and recruiting voters to serve as election poll workers on election day;
8. procedures to follow to file a complaint; and
9. procedures to report election fraud or violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(8)(a), R.S. 18:18(A)(8)(b), Public Law 107-252, and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 31:3165 (December 2005).

### **§707. Funding for Outreach Efforts**

A. The department shall pay for all outreach efforts conducted by employees of the department. If the department is asked to provide a voting system for a private election, the organization requesting the voting system will be responsible for the payment for the hauling of the voting system.

B. The department shall provide registrars of voters with printed materials on voter registration, voter education, voting rights, and the voting system for use during the annual voter registration week. In addition, the department will advertise the annual voter registration week in the official journal of every parish and issue a statewide public service announcement on the annual voter registration week.

C. Although not mandatory, registrars of voters are encouraged to provide other outreach activities and materials tailored toward their individual communities. The registrar of voters must receive advance written approval by the commissioner of elections for the department to pay the expense. If the commissioner of elections gives prior approval, the procurement of said service or materials must be procured in accordance with state or parish purchasing procedures and guidelines. The department, upon receipt of the original invoice and supporting documents, shall pay the expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(8) and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 31:3165 (December 2005).

**§709. Reporting Requirements**

**A. Report on Voter Education Programs**

1. The commissioner of elections shall develop and provide a report form to be utilized by the registrars of voters in fulfilling the responsibilities of R.S. 18:18(A)(8). This report form shall require the registrar to provide the following information:

a. a listing of all voter registration and voter education events/activities held by the registrar's office, the location, the amount of time spent on the event/activity, the estimated amount of citizen participation, and any other detailed information describing such event/activity;

b. a listing of any group or organization that requested voter registration information or registration forms and the number of completed voter applications received; and

c. any other relevant voter registration activities.

**B. Report Deadlines**

1. Registrars of voters must submit the report on voter education programs to the department prior to the close of business on December 15 of each year. If December 15 falls on a weekend or holiday, the report form will be due on the last business work day prior to December 15.

2. The department is required to submit a consolidated annual report on the effectiveness of the state's non-partisan voter registration and voter education programs by January 31 of each year. Information gathered from the annual reports submitted by the registrars of voters, statistical information generated by the statewide voter registration system, and the information generated by the department's outreach division will be utilized to produce this comprehensive report.

3. Under the provisions of R.S. 18:18(8)(a), copies of this comprehensive annual report shall be submitted to the governor, the president of the Senate, and the speaker of the House of Representatives. In addition, the department shall submit copies of this report to the members of the House and Governmental Affairs Committee, members of the Senate and Governmental Affairs Committee, members of the State Board of Election Supervisors, and all registrars of voters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(8) and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 31:3166 (December 2005).

Al Ater  
Secretary of State

0512#081

**RULE**

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

**2005 Reef Fish Harvest (LAC 76:VII.335)**

The Wildlife and Fisheries Commissions hereby amends a Rule (LAC 76:VII.335) modifying size limits, establishing a closed commercial season and modifying recreational creel and possession limits for vermilion snapper, which are parts of the existing rule for daily take, possession, and size limits for reef fishes set by the commission, and provides that all persons fishing in the federal exclusive economic zone

(EEZ) shall comply with all applicable federal and state laws and regulations. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishery**

**§335. Reef Fish—Harvest Regulations**

A. Recreational bag limits regarding the harvest of reef fish—triggerfishes, amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies, within and without Louisiana's territorial waters.

Species	Recreational Bag Limits
* * *	
3. Vermilion snapper, lane snapper, gray triggerfish, almaco jack, goldface tilefish, tilefish, blackline tilefish, anchor tilefish, blueline tilefish	20 per person per day (in aggregate) with not more than 10 vermilion snapper per person
* * *	

B. - D.3. ...

E. Recreational and commercial minimum and maximum size limits, unless otherwise noted.

Species	Minimum Size Limits
* * *	
5. Vermilion snapper	11 inches total length
* * *	

F. ...

**G. Seasons**

1. Seasons for the commercial harvest of reef fish species or groups shall be closed within and without Louisiana's territorial waters during the periods listed below. Possession of reef fish in excess of the daily bag limit while on the water is prohibited during the specified closed season. Any reef fish harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. This prohibition on sale/purchase does not apply to reef fish that were harvested, landed ashore, sold and purchased prior to the closed season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing reef fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6. The provisions of §335.G apply to fish taken within or without Louisiana's territorial waters.

Species or Group	Closed Season
a. Greater Amberjack	March 1 through May 31
b. Gag, Black and Red Grouper	February 15 through March 15
c. Vermilion Snapper	April 22 through May 31

2. Persons aboard a vessel for which the permits indicate both charter vessel/headboat for Gulf reef fish and commercial Gulf reef fish may continue to retain reef fish under the recreational take and possession limits specified in §335.A and size limits specified in §335.E, provided the vessel is operating as a validly licensed charter vessel or

headboat with prepaid recreational charter fishermen aboard the vessel. The provisions of §335.G.2 apply to fish taken within or without Louisiana's territorial waters.

H. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange reef fishes within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005).

Dwight Landreneau  
Secretary

0512#077

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2006 Turkey Season (LAC 76:XIX.113, 115, and 117)

The Wildlife and Fisheries Commission does hereby amend the turkey rules and regulations for the 2006 season.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

#### Chapter 1. Resident Game Hunting Season

#### §113. Turkey Hunting Regulations

A. Daily limit is one gobbler, two gobblers per season. Taking of hen turkeys, including bearded hens, is illegal. Still hunting only. Use of dogs, baiting, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and bow and arrow but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited.

B. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys.

C. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or

indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed.

D. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closure.

E. The Department of Wildlife and Fisheries strongly discourages feeding agricultural grains to wild turkeys as this practice increases the risk of birds contracting potentially lethal diseases. Repeatedly placing grain in the same area may expose otherwise healthy birds to disease contaminated soils, grain containing lethal toxins and other diseased turkeys using the same feeding site. Properly distributed food plots (clovers, wheat, millet and chufa) are far more desirable for turkeys and have the added benefit of appealing to a wide variety of wildlife.

F. It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

G. All licensed turkey hunters are required to have a Turkey License in their possession while turkey hunting in addition to basic and big game hunting licenses. Additionally, a WMA Hunting Permit is required of any person (age 18-59) who hunts on land administered by the Department of Wildlife and Fisheries, including Wildlife Management Areas, Wildlife Refuges, and Habitat Conservation Areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005).

#### §115. Statewide Turkey Hunting Areas—Resident Game Birds and Animals

A. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

Species	Season Dates	Daily Bag Limit	Possession Limit
Turkey	See Schedule	1	2/Season

B. Turkey season will open in designated areas on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 9 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide Youth Turkey and Physically Challenged Season on private lands shall be the weekend prior to the statewide turkey season. Only youths younger than 16 years of age or hunters possessing a Physically Challenged Hunter Permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the

accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. Legal weapons and shot are the same as described for the turkey season. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their seasonal bag limit of 2. Contact regional offices for a Physically Challenged Hunter Permit application.

D. 2006 Turkey Hunting Schedule

Area	Season Dates
A	March 25-April 23
B	March 25-April 16
C	March 25-April 2
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined Hunt)	March 18-19

E. 2006 Turkey Hunting Season—Open Only in the Following Areas

1. Area A—March 25-April 23

- a. All of the following parishes are open:
  - i. Beauregard;
  - ii. East Baton Rouge;
  - iii. East Feliciana;
  - iv. LaSalle;
  - v. Livingston;
  - vi. Natchitoches (Exception—See Federal Lands

Hunting Schedule for Kisatchie National Forest dates);

- vii. Sabine;
- viii. St. Helena;
- ix. St. Tammany;
- x. Tangipahoa;
- xi. Vernon (Exception—See Federal Lands

Hunting Schedule for Kisatchie National Forest dates);

- xii. Washington;
- xiii. West Baton Rouge;
- xiv. West Feliciana (including Raccourci Island);
- xv. Winn (Exception—See Federal Lands Hunting

Schedule for Kisatchie National Forest dates).

b. Portions of the following parishes are also open:

i. Allen—north of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu—north of I-10;

iv. Caldwell—west of Ouachita River southward to Catahoula Parish line;

v. Catahoula—west of Ouachita River southward to LA 559 at Duty Ferry, north of LA 559 to LA 124, south and west of LA 124 from Duty Ferry to LA 8 at

Harrisonburg and north and west of LA 8 to LaSalle Parish line. ALSO that portion lying east of LA 15;

vi. Concordia—that portion east of LA 15 and west of US 65 from its juncture with LA 15 at Clayton;

vii. Evangeline—north and west of LA 115, north of LA 106 from St. Landry to LA 13, west of LA 13 from Pine Prairie to Mamou and north of LA 104 west of Mamou;

viii. Franklin: That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

ix. Grant—all of the parish except that portion of land that lies north of the Red River between US 71 and LA 8. Exception—see Federal Lands Hunting Schedule for Kisatchie National Forest dates;

x. Iberville—west of LA 1. Exception—see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xi. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

xii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xiii. Pointe Coupee—all of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417 southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its juncture with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. Exception—see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xiv. Rapides—all of the parish except that portion of lands that lies north of the Red River and south of US 71 from its juncture with the Red River northward to the Grant Parish line. Exception—see Federal Lands Hunting Schedule for Kisatchie National Forest season dates;

xv. Richland—that portion south of US 80 and east of LA 17;

xvi. St. Landry—that portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. Exception—the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvii. Upper St. Martin—all within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xviii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River.

2. Area B—March 25-April 16

a. All of the following parishes are open:

i. Bienville;

ii. Caddo;

iii. Claiborne (Exception—see Federal Lands Hunting Schedule for Kisatchie National Forest dates);

iv. DeSoto;

- v. Jackson;
- vi. Lincoln;
- vii. Red River;
- viii. Union;
- b. Portions of the following parishes are open:
  - i. Ascension—all east of the Mississippi River;
  - ii. Bossier—all open except that portion bounded on the north by I-20 on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish Line;
  - iii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;
  - iv. Iberville—all east of the Mississippi River;
  - v. Ouachita—east of LA 143 from Union Parish line to US 80 in West Monroe, north of US 80 to LA 139, west of LA 139 to the Morehouse Parish line;
  - vi. Morehouse—west of US 165 from the Arkansas line to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165, north of US 165 to LA 139, west of LA 139 to Ouachita Parish line.
  - vii. Webster—all except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish Line (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

3. Area C—March 25-April 2

- a. Portions of the following parishes are open:
  - i. Catahoula—that portion lying south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west and north of LA 8 to LA 15, west of LA 15 to Deer Creek;
  - ii. Concordia—north and east of Sugar Mill Chute (Concordia Parish) from the state line westward to Red River, east of Red River northward to Cocodrie Bayou, east of Cocodrie Bayou northward to US 84, south of US 84 eastward to LA 15 (Ferriday), east of LA 15 northward to US 65 (Clayton), east of US 65 northward to Tensas Parish line;
  - iii. Franklin—that portion lying west of LA 17, from Richland Parish line to LA 577 at Crowville, north of LA 577 to LA 15 at Baskin, east of LA 15 to Big Creek, and south and east of Big Creek to Richland Parish line. Also, that portion east of Turkey Creek Lake, Turkey Creek and Boeuf River, north of Deer Creek, west of LA 15 and south of LA 562;
  - iv. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;
  - v. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005).

**§117. 2006 Wildlife Management Area  
Turkey—Hunting Regulations**

A. General

1. The following rules and regulations concerning management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject the individual to citation and/or expulsion from the management area.

2. Only those Wildlife Management Areas listed are open to turkey hunting.

3. ATVs, ATCs and motorcycles cannot be left overnight on WMAs EXCEPT in designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m. All roads including trails and roads designated as ATV only trails shall be closed to ATVs from March 1 through August 31 unless otherwise specified. ATV off-road or off-trail travel is prohibited. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail. Otherwise, only walk-in hunting is permitted (bicycles permitted).

4. Bag limits on WMAs are part of the season bag limit. Only one turkey is allowed to be taken during special lottery hunts.

5. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants and fishing on the day(s) of the youth hunt.

B. Permits

1. Self-Clearing Permits. All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

2. Lottery Hunts. Bayou Macon, Boise-Vernon, Loggy Bayou, Sabine, Sherburne, Sicily Island, Tunica Hills, Union and West Bay WMAs are restricted to those persons selected as a result of the pre-application lottery. Special youth only lottery hunts will be held on Big Lake, Bens Creek, Fort Polk/Peason Ridge, Jackson-Bienville, Loggy Bayou, Sherburne, Spring Bayou, Thistlewaite, Union and West Bay WMAs. Deadline for receiving complete applications in the Baton Rouge office for all lottery hunts is 4:30 p.m. February 15, 2006. An application fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be at least 8 years old on the day of the hunt. Applicants may submit only one application and will be selected for one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Contact any district office for applications. Hunters must abide by self-clearing permit requirements. Youths chosen for special youth only hunts will be guided by members of the Louisiana Chapter of the National Wild Turkey Federation. One family member may accompany the youth and guide, but may not hunt.

C. Wildlife Management Area Turkey Hunting Schedule\*

WMA	Season Dates	Permit Requirements	Lottery Dates**
Bayou Macon	April 8-9	Self-Clearing	April 8-9
Bens Creek <sup>1</sup>	March 25-April 9	Self-Clearing	None
Big Lake	March 25-April 2	Self-Clearing	None
Bodcau	March 25-April 9	Self-Clearing	None
Boeuf	March 25-April 2	Self-Clearing	None
Clear Creek (formerly Boise Vernon)	March 25-26 April 1-23	Self-Clearing	March 25-26 April 1-2
Camp Beauregard	March 25-April 9	Self-Clearing	None
Fort Polk	March 25-April 23	Self-Clearing	None
Grassy Lake	March 25-April 9	Self-Clearing	None
Hutchinson Creek	March 25-April 23	Self-Clearing	None
Jackson-Bienville	March 25-April 9	Self-Clearing	None
Lake Ramsey	March 25-April 9	Self-Clearing	None
Little River	March 25-April 9	Self-Clearing	None
Loggy Bayou	April 15-16	Self-Clearing	April 15-16
Peason Ridge	March 25-April 23	Self-Clearing	None
Red River	March 25-April 2	Self-Clearing	None
Sabine	March 25-26 April 1-2	Self-Clearing	March 25- 26 April 1-2
Sandy Hollow <sup>1</sup>	March 25-April 9	Self-Clearing	None
Sherburne <sup>2</sup>	March 25-April 2	Self-Clearing	March 25-26 March 27-29
Sicily Island	March 25-April 2	Self-Clearing	March 25-27 March 28-30 March 31-April 2
Three Rivers	March 25-April 2	Self-Clearing	None
Tunica Hills South Tract	March 25-26 April 1-2 April 8-9 April 10-16	Self-Clearing	March 25-26 April 1-2 April 8-9
Tunica Hills Angola Tract <sup>3</sup>	March 25-26 April 1-2 April 8-9 April 10-16	Self-Clearing	March 25-26 April 1-2 April 8-9
Union	April 8-9	Self-Clearing	April 8-9
Walnut Hills	March 25-April 23	Self-Clearing	None
West Bay	March 25-26 April 1-2	Self-Clearing	March 25-26 April 1-2

\*Only those Wildlife Management Areas listed have a turkey hunting season. All other areas are closed.

\*\*The deadline for receiving applications for all turkey Lottery Hunts on WMAs is February 15, 2006.

<sup>1</sup>No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

<sup>2</sup>All turkeys harvested on Sherburne WMA must be weighed and checked at WMA headquarters.

<sup>3</sup>Area closed to all users April 17–August 31.

D. Wildlife Management Area Youth Hunts

WMA	Lottery Youth Hunt Date
Bens Creek	March 18
Big Lake	March 18
Fort Polk/Peason Ridge	March 18
Jackson-Bienville	March 18
Loggy Bayou	April 8
Sherburne	March 18 and 19
Spring Bayou	March 18
Thistlewaite	April 8
Union	April 1
West Bay	March 18

E. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) Turkey Hunting Schedule. Caney Ranger District, March 25-April 9; all remaining KNF lands, March 25-April 16 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers Turkey Hunting Schedule. Indian Bayou Area, March 18 handicap only hunt, March 25-April 2, lottery hunt only on March 25-26 and March 27-29. Contact USCOE at 337-585-0853 for further information. Old River Control and Lock Areas, March 25-April 2. Contact U.S.C.O.E.(225)492-2690 for further information.

3. National Wildlife Refuges. Bogue Chitto NWR, March 25-April 23; Lake Ophelia NWR, March 25-31, April 8-23; Tensas NWR, March 18-19 (youth lottery only), March 25-April 9; Upper Ouachita NWR, March 18-19 (youth lottery only). Contact the U.S. Fish and Wildlife Service for information regarding NWR hunts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 25:2265 (November 1999), amended LR 26:2636 (November 2000), LR 27:2272 (December 2001), LR 28:2377 (November 2002), LR 29:2514 (November 2003), LR 30:2876 (December 2004), LR 31:3169 (December 2005).

Wayne J. Sagrera  
Chairman

0512#076

# Notices of Intent

## NOTICE OF INTENT

### Department of Civil Service Civil Service Commission

#### Suspension of Deadline

The State Civil Service Commission will hold a public hearing on Wednesday, January 11, 2006, to consider the following rule proposal. The hearing will begin at 9 a.m. and will be held in the Claiborne Building, Louisiana Purchase Room (Room 1-100), 1201 North Third Street, Baton Rouge, Louisiana.

To amend and reenact Civil Service Rule 2.15 to read as follows.

#### 2.15 Suspension of Deadlines

All deadlines imposed by or under these rules are suspended during the period(s) that the governor or other legal authority suspends prescriptive and/or preemptive periods.

#### Explanation

Current Rule 2.15, adopted on an emergency basis on September 14, 2005, will expire on January 12, 2006. This proposed Rule would replace the Emergency Rule and would moot the issue of whether the governor or any other authority can suspend deadlines established in the Civil Service Rules.

Persons interested in making comments relative to this proposal may do so at the public hearing or by writing to the Acting Director of State Civil Service at Post Office Box 94111, Baton Rouge, LA 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Anne S. Soileau  
Acting Director

0512#080

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—Inclusion of All Districts (LAC 28:LXXXIII.4301 and 4901-4911)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's Accountability System is an evolving system with different components.

The proposed changes establish the length of time a district must maintain records for exiting students, define what students are included in a district's District Performance Score, and create policy to comply with R.S. 17:10.6 (Act 193 2004).

#### Title 28

#### EDUCATION

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

#### Chapter 43. District Accountability

#### §4301. Inclusion of All Districts

A. - B.3. ...

C. District Performance Score (DPS). A District Performance Score (DPS) shall be calculated in the same manner as a SPS, aggregating all of the students in the district.

1. Assessment data from students enrolled in a district for a full academic year shall be used to calculate the DPS.

2. The DPS shall be reported as a numeric value and a label shall be assigned based on the numeric value.

D. - G. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003), amended LR 30:1446 (July 2004), LR 32:

#### Chapter 49. School District Academically in Crisis

#### §4901. Definition of Academically in Crisis

A. A school district shall be labeled Academically in Crisis when:

1. more than 30 schools in the district are academically unacceptable; or

2. more than 50 percent of the district's enrollment attends academically unacceptable schools.

B. The state superintendent shall notify the BESE, the local superintendent, and the president of the local school board when a district is determined to be Academically in Crisis.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### §4903. Local Superintendent and Board Responsibilities

A. When a district is determined to be Academically in Crisis, the local superintendent shall have sole and exclusive authority in all matters regarding the policy for and operation and management of the school district, except:

1. the local board may:

a. incur debt, issue bonds, pay debt, and meet other financial obligations as required by contract entered into prior to the district's being labeled "Academically in Crisis," or by approval of a proposition by the electorate;

b. sue or be sued and provide for the interests of the school district in response to litigation;

c. respond to the local superintendent's recommendations for discipline or termination of employees who are legally entitled to a hearing before the board;

d. approve or disapprove with recommendations the annual budget or any amendment to that budget for the expenses and operation of the school district as submitted by the local superintendent;

e. acquire property on behalf of the school district by donation or otherwise and take action to preserve such property;

f. dispose of or contract with regard to immovable property owned or leased by the school district;

g. enter into a collectively bargained contract with employees after negotiations between the employees and the superintendent or his designee;

h. reapportion themselves as provided by law; and

i. perform any duties mandated by Section 1, R.S. 17:10.6 (Act 193).

2. The local superintendent may not enter into a contract on behalf of the local school district for a period exceeding 5 years. Upon favorable evaluation, contracts may be renewed for up to 5 years in accordance with applicable laws and procedures.

3. The local superintendent shall submit a monthly report to the local board on all newly executed or renewed contracts.

4. As soon as practicable, but no later than 180 days after notification of the district being Academically in Crisis the local superintendent shall submit to the local board, the BESE, and the legislative auditor a report containing:

a. an evaluation of the benefits of outsourcing all or portions of the school district's fiscal processes and duties, including but not limited to:

i. procurement;

ii. payroll;

iii. accounts payable;

iv. accounts receivable;

v. short-term investment;

vi. inventory control;

vii. accounting;

viii. budget compliance; and

ix. financial reporting;

b. information indicating if such an outsourcing of fiscal matters would allow more focus by the superintendent and district staff on the academic needs and improved achievement of the district's students.

5. The local superintendent shall submit for the BESE approval a structured district improvement plan within 120 days of the of the BESE response to the "180 day" report defined in Paragraph A.4. of this Subsection. The plan shall include the changes deemed necessary for the district to no longer be labeled as Academically in Crisis and contain:

a. timetables;

b. measurable goals;

c. priorities;

d. instructional changes;

e. organizational changes;

f. fiscal changes;

g. meaningful consultation with parents of students enrolled in the district; and

h. an effective and comprehensive program that uses strategies and activities to build the schools' and parents' capacities to for increased parental involvement that positively impacts student achievement.

6. If the BESE fails to approve the district improvement plan, the president of the BESE shall submit the plan to an independent, national organization with the expertise to evaluate such a plan and that will provide the evaluation to the local superintendent and the BESE within 30 days.

a. The independent, national organization shall be selected by a majority vote of a committee composed of a member of the BESE appointed by the president of the BESE, an educator appointed by the governor, and a member of the district school board appointed by its president.

b. Any cost incurred and any payment required by the organization making the evaluation shall be borne by the district school board.

7. The district superintendent shall revise the district improvement plan as advised by the independent evaluator until it is approved by the independent evaluator.

8. Once the plan is approved by the BESE or the independent, national organization, the district superintendent shall:

a. implement the approved plan;

b. provide a quarterly report to the BESE on the progress of implementing the plan.

9. The district superintendent shall seek and consider the advice and input of the district school board while exercising authority to enter into and obligate the school district to any contracts not otherwise reserved to the district board in Paragraph A.1 of this Subsection.

10. The district superintendent shall notify each district school board member (by facsimile with receipt or by U.S. Postal Service with return receipt and at the individual member's home address and post at a location of public access reserved for such purposes in the offices of the district school board) at the same time of the solicitation of any requests for proposals or quotations for any of the following types of contracts (as defined in R.S. 39:1484):

a. professional service contract;

b. social service contract;

c. personal contract;

d. consulting service contract;

e. contract for employee benefits; or

f. any other contract not subject to state law requiring public bidding and that requires more than \$250,000 in expenditures.

11. The district superintendent shall not less than 30 days prior to entering any contract described in Subparagraphs A.10.a-f above provide notice in the manner described in Paragraphs A.10 above to each individual district school board member and also post such notice publicly as described in Paragraph A.10 above.

a. The notice shall be a summary of the contract which contains:

i. a description of the service or item being provided;

ii. the identity of the contractor;

iii. the duration of the contract; and

iv. the dollar amount of total expenditures in the contract.

b. Prior to the conclusion of the thirtieth day after the delivery and the posting of the of the contract summary, the district school board may prohibit the superintendent

from initiating or renewing such contract by a vote of two-thirds of the elected members of the board.

12. The provisions of Paragraphs 9, 10, and 11 of this Subsection (§4903) shall not apply to contracts of \$25,000 or less.

13. In exigent circumstances that require the initiation of a contract to be expedited, the superintendent may enter into any contract with a favorable vote of a majority of the elected members of the district school board.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### **§4905. Contracting and Employing a District Superintendent**

A. The district school board of a district Academically in Crisis, except upon an affirmative vote of two-thirds majority of the elected members of the district school board, shall have no authority to:

1. contract or employ a district superintendent; or
2. terminate the contract or employment of the incumbent superintendent.

B. The district school board of a district Academically in Crisis shall not decrease the district superintendent's salary.

C. If a district superintendent is terminated by an affirmative vote of two-thirds majority of the elected members of the district school board, the board shall have not more than 10 working days from the first full day of the vacancy to appoint an acting superintendent until a new superintendent has been chosen by the board as provided by law.

1. If no acting superintendent is appointed within the required time, the state superintendent shall appoint an acting superintendent.

2. The acting superintendent and the new superintendent shall continue to have exclusive authority and responsibility during the period the system is labeled Academically in Crisis and shall be subject to termination only as provided in this Subsection.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### **§4907. The Financial Audit and Contracting an Independent CPA**

A. The district school board of a district Academically in Crisis shall select and contract an independent, licensed, certified public accountant from a list of at least three such accountants submitted to the board by the superintendent to conduct an audit of the finances and the financial policies and practices of the school district.

1. The district school board shall make its selection within 10 working days of receipt of the superintendent's list.

2. If the selection is not made within 10 days, the district superintendent shall refer the matter to the legislative auditor who shall select the independent, licensed, certified public accountant to complete the required audit.

3. The audit shall be conducted using generally accepted governmental auditing standards and the Louisiana Governmental Audit Guide.

4. The engagement agreement describing the scope of the audit shall be submitted to legislative auditor for his review and comment to the district school board prior to the execution of the agreement.

B. The audit report shall be submitted to the district school board, the district superintendent, and the legislative auditor.

C. If the audit results in audit findings, the district superintendent shall address each audit finding and report to the legislative auditor on the corrections made.

D. The legislative auditor may take any of the following steps:

1. conduct an independent audit of the district school board;
2. investigate the response of the superintendent to the audit;
3. require the selection of a different auditor as described in Paragraph 1 above and have the new auditor direct the changes in the district's financial practices necessary to address each audit finding.

E. Expenses incurred by the legislative auditor shall be reimbursed by the district school system.

F. If the audit reveals irregularities, they may be reported to:

1. the district attorney with jurisdiction in the parish in which the school district resides; or
2. the appropriate US attorney when the irregularities may be a violation of federal law.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### **§4909. Additional State Support**

A. The state superintendent of education shall appoint a team of distinguished educators to provide expertise, direction, and support to any school district determined to be Academically in Crisis.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### **§4911. Exiting the Status of a District Academically in Crisis**

A. A school district Academically in Crisis shall remain so until:

1. fewer than 30 schools within the district are academically unacceptable;
2. fewer than 50 percent of the district's students are enrolled in Academically Unacceptable schools; and
3. all audit findings are addressed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:

#### **Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office, which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., January 9, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 111—The Louisiana  
School, District, and State Accountability System  
Inclusion of All Districts**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no estimated implementation costs (savings) to state governmental units. The proposed changes establish the length of time a district must maintain records for exiting students, define what students are included in a district's District Performance Score, and create policy to comply with R.S. 17:10.6 (Act 193 2004).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#046

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 115—Trade and Industrial Education Content Standards Framework—Drafting, Electricity, Heating, Ventilating, Air Conditioning, and Refrigeration (LAC 28:CV.Chapters 1-27)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for

advertisement *Bulletin 115—Trade and Industrial Education Content Standards Framework—Drafting, Electricity, Heating, Ventilating, Air Conditioning, and Refrigeration*. Bulletin 115 will be printed in codified format as Part CV of the Louisiana Administrative Code. There has been in recent years an increased effort by many industries to require the certification of skills used in those industries to assure technical competence and public confidence. Recognizing industry certifications in the training of secondary students assures that instruction is directly related to the needs of industry and nationally recognized industry standards.

**Title 28**

**EDUCATION**

**Part CV. Bulletin 115—Trade and Industrial Education Content Standards Framework—Drafting, Electricity, Heating, Ventilating, Air Conditioning, and Refrigeration**

**Subpart 1. General Provisions**

**Chapter 1. Purpose**

**§101. Introduction**

A. The information contained in Subpart 1, General Provisions are applicable to Drafting; Electricity; and Heating, Ventilating, Air Conditioning, and Refrigeration (HVACR).

B. The Secondary Trade and Industrial Education Program in the State of Louisiana can be described as "a secondary program designed to prepare students for careers in business, industry, and the service occupations through a sequence of applied learning experiences." Instructional units are provided in the use of layout, designing, producing, processing, assembling, testing, maintaining, and the servicing of industrial goods and products, as well as public services.

C. Intended Audience

1. The Louisiana Trade and Industrial Education curriculum framework is intended for a broad audience:

- a. trade and industrial education teachers;
- b. parents;
- c. school and district administrators;
- d. school board members;
- e. policy makers;
- f. Louisiana Department of Education staff;
- g. college/university faculty/administrators;
- h. business/industry leaders; and
- i. government agency staff.

2. The framework serves as a guide for curriculum and instruction and as a general reference to the concepts and skills taught within Louisiana Trade and Industrial Education courses. The intended users of the framework include:

- a. Trade and Industrial Education teachers—to use in planning:
  - i. curriculum;
  - ii. instruction; and
  - iii. assessment;
- b. parents—to use as a means of assessing the effectiveness of their children's trade and industrial education;
- c. school and district administrators and school board members—to use as a vision for trade and industrial education and a basis for planning:
  - i. resource allocations;

- ii. materials purchases;
  - iii. local curriculum development;
  - iv. teachers' professional development; and
  - v. faculty recruitment;
- d. policy makers and state Education staff—to use as a basis for:
- i. developing laws, policies, professional development activities/materials, assessment strategies; and
  - ii. funding priorities to support local program development;
- e. university faculty and administrators—to use as a basis for the content and design of pre-service and in-service teacher education programs and articulation agreements;
- f. technical college faculty and administrators—to use as a basis for articulation agreements and program development; and
- g. business/industry leaders and government agency staff—to use as a basis for developing effective partnerships for supporting trade and industrial education programs and professional development.

D. How Teachers Should Use this Part XCIX. This Part XCIX outlines the content appropriate to be taught in Louisiana Trade and Industrial Education programs. Local needs will determine what should be taught in local trade and industrial education programs. Although teachers will be able to use this framework to guide them in the restructuring of their curricula, this Part XCIX does not contain specific performance criteria that are essential in trade and industrial education. These specific assessment criteria must be developed on the local level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

### §103. Definitions

*Academic Cross-Reference*—a reference to related academic content standards.

*Applied Academics*—a method of teaching in which the instructor presents subject matter in a way that relates a particular academic discipline to personal workforce application.

*Approved Program*—a Business Education program that offers at least four of the recommended courses for a career major—two of which must be at the competency level.

*Articulation*—the process of linking two or more educational systems to produce a smooth flow of students from one institution to another without experiencing delays, duplication of courses, or loss of credit.

*Assessment*—a process through which evidence is gathered in a range of content areas to determine both a student's understanding and ability to apply that understanding.

*Benchmark*—a broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

*Career Clusters*—broad categories of occupations that form the basis for initial career exploration and discovery.

*Career Major*—a specific course of study within a broader career cluster.

1. Example. Accounting within the Business career cluster.

*Career Path*—a plan of study that will enable a student upon graduation, to be employed or enter a postsecondary school with a continuation of skills or coursework already started at the high school level.

*Career Plan*—a student's written plan for career and educational goals while in secondary school and beyond.

*Competency Course*—a required course in a career major.

*Content Standard*—a description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of his/her education.

*Cooperative Learning*—an instructional strategy used in many applied academic courses that involves learning in the context of sharing, responding, and communicating with other learners.

*Curriculum Framework*—an outline of broad goals and standards of a system of education.

*Focus Statement*—a statement describing the importance of a career major.

*Foundation Skills*—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

*High Schools That Work*—a process model developed by the Southern Regional Education Board (SREB) that focuses on:

1. applied learning;
2. integration of academic and vocational content; and
3. school-to-work transitions.

*Integrated*—refers to combining elements across the strands within a particular content area or framework.

*Interdisciplinary*—combining elements across content areas in the curriculum.

*Lifelong Learning*—the concept of continued education and training, formal and informal, throughout one's career.

*Portfolios*—personalized, sequential career planning journal designed to guide students through career development interests and aptitudes as they progress through school and beyond; including examples of student skill mastery.

*Related Elective Course*—an additional course offered to complement and enhance opportunities within a career major.

*School-Based Learning*—program of instruction based on career majors, designed to meet high academic and occupational skill standards, which involves counseling and career exploration, and periodic evaluation of academic strengths and weaknesses.

*School-to-Work Transition*—a system that enables students to identify and navigate paths to productive and progressively more rewarding roles in the workplace encompassing three components:

1. school-based learning;
2. connecting activities; and
3. work-based learning.

*Skill Standard*—the identification of the knowledge, skill, and level of ability needed to satisfactorily perform a given job.

*Strands*—concepts common to all content areas. *Strands* are interrelated and should be integrated rather than taught in isolation.

*Tech Prep*—a sequence of study beginning in high school and continuing through at least two years of postsecondary

occupational education to prepare students for high skilled jobs that require more than a high school diploma.

*Vocational Completer*—a student who successfully completes four courses in a career major:

1. two must be competency courses; and
2. two must be selected from the competency courses and/or identified related electives.

*Work-Based Learning*—integration of theoretical instruction with a planned program of job training or experiences, paid work experience, workplace mentoring, instruction in general workplace competencies, and updating elements that will:

1. engage student interest;
2. develop positive work attitudes; and
3. prepare youth for high-skill, high-wage careers.

*Workplace Mentor*—an employee at the workplace who possesses the skills to be mastered by a student, and who:

1. instructs the student;
2. critiques the student's performance;
3. challenges the student to perform well; and
4. works in consultation with classroom teachers and the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

#### **§105. Mission Statement**

A. To develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the twenty-first century.

B. This mission statement was developed by the Louisiana Statewide Content Standards Task Force in October 1995 and has served as the focus for the standards initiatives that have been developed by the Louisiana Department of Education. Along with this mission statement, the Task Force also identified five foundation skills that committee members felt should be embedded in all content areas to promote lifelong learning and to prepare Louisiana students to be successful in the next millennium.

C. The following five foundation skills serve as the backbone for the content standards initiative.

1. Communication
2. Problem Solving
3. Resource Access and Utilization
4. Linking and Generating Knowledge
5. Citizenship

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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#### **§107. Foundation Skills**

A. Foundation Skill 1: Communication

1. Exchanging of information
2. Creating and sharing meaning
3. Applying the skills of:
  - a. reading;
  - b. writing;
  - c. speaking;
  - d. listening;
  - e. viewing; and

f. visually representing in society and a variety of workplaces

B. Foundation Skill 2: Problem Solving

1. Recognizing and defining problems
2. Identifying an obstacle or challenge
3. Applying knowledge and thinking processes to reach a solution using multiple pathways
4. Showing willingness to take risks in order to learn
5. Persevering in the face of challenges and obstacles
6. Utilizing the five senses as a resource for problem solving
7. Analyzing past problems and applying basic knowledge to develop logical, creative, and practical strategies to predict, prevent, and solve problems
8. Identifying and considering a variety of viewpoints in solving problems
9. Developing, selecting, and applying strategies to solve existing and potential problems
10. Selecting and applying appropriate technology and other resources to solve problems
11. Verifying the appropriateness of the solution
12. Analyzing and evaluating the results or consequences

C. Foundation Skill 3: Resource Access and Utilization

1. Identifying, locating, selecting, and using resource tools in analyzing, synthesizing, and communicating information
2. Identifying, and employing appropriate tools, techniques, and technologies essential to the learning process, such as:
  - a. pen, pencil, and paper;
  - b. audio/video material;
  - c. word processors;
  - d. computer;
  - e. interactive devices;
  - f. telecommunications; and
  - g. other emerging technologies.

D. Foundation Skill 4: Linking and Generating Knowledge

1. Using cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts
2. Applying a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned
3. Monitoring, adjusting, and expanding strategies in other contexts

E. Foundation Skill 5: Citizenship

1. Understanding the ideals, rights, and responsibilities of active participation in a democratic republic
2. Working respectfully and productively together for the benefit of the individual and the community
3. Being accountable for one's choices and actions and understanding their impact on others
4. Knowing one's civil, constitutional, and statutory rights
5. Mentoring others to be productive citizens and lifelong learners

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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### Chapter 3. Louisiana Content Standards Foundation Skills

#### §301. Foundation Skills

A. The following foundation skills should apply to all students in all disciplines.

Note: The foundation skills are listed numerically in parentheses after each benchmark.

1. Communication—a process by which information is exchanged and a concept of *meaning* is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through the use of the following skills:

- a. reading;
- b. writing;
- c. speaking;
- d. listening;
- e. viewing; and
- f. visually representing.

2. Problem Solving—the identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include:

- a. pen, pencil, and paper;
- b. audio/video materials;
- c. word processors;
- d. computers;
- e. interactive devices;
- f. telecommunication; and
- g. other emerging technologies.

4. Linking and Generating Knowledge—the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for:

- a. the benefit of the individual and the community;
- b. being accountable for one's civil, constitutional, and statutory rights; and
- c. mentoring others to become productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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### Chapter 5. Standards and Benchmarks

#### §501. Introduction

A. Standards and benchmarks provide a framework for local curriculum development. A school district's physical facilities, available equipment, resources, and community and business support are only a few of the factors that make the system unique and determine the curriculum offered.

B. In using this framework to develop curriculum, a *standard* is the major outcome of a course and *benchmarks* are the goals for obtaining that outcome. Local systems will select the career majors to be offered, the courses offered in these majors, and create the objectives and activities that teachers will use to direct their instruction to reach the benchmarks for the selected courses. This procedure will allow local systems to structure curriculum to meet the needs of their students, schools, and communities while remaining consistent with the overall framework for the entire state.

C. Local systems will use the career majors as a guide to select the courses that will be offered for each major. Not all career majors or all courses listed with the major in this framework must be offered locally. Employment opportunities and postsecondary education availability in the local area should be considered as curriculum is developed.

D. To be identified as a vocational completer, a student must successfully complete four courses in a career major:

1. two of which must be competency courses; and
2. two of which must be selected from the competency courses and/or related elective courses identified in the career major.

E. Following each career major are the content standards that relate to the major. They identify what students should know and be able to do. In the column beside each standard are benchmarks that identify specific skills and knowledge and serve as points of reference to gauge student progress toward achievement of standards. Benchmarks set the direction of instruction.

F. Cross-references to academic content standards reinforce the integration of academic and technology skills. English Language Arts, Mathematics, Social Studies, and Science academic standards are cross-referenced in the third column beside each Technology Education standard. The referenced academic standards are listed in full in Chapter 7. Codes used in the table to identify the academic standards are given in below.

1. ELA=English Language Arts
  - a. Standard number is given, then benchmark number
2. Mathematics
  - a. Strand letter is given, then benchmark number  
N—Number and Number Relations Strand  
A—Algebra Strand  
M—Measurement Strand  
G—Geometry Strand  
D—Data, Discrete Math, and Probability Strand  
P—Patterns, Relations, and Functions Strand
3. Social Studies
  - a. Strand letter is given, then benchmark letter and number

G—Geography Strand

C—Civics Strand

E—Economics Strand

H—History Strand

4. Science

a. Strand letter is given, then benchmark letter and number

SI—Science as Inquiry Strand

PS—Physical Science Strand

LS—Life Science Strand

SE—Science and the Environment Strand

ESS—Earth Science Strand

5. Arts

a. Strand letter is given, then benchmark letter and number

CE—Creative Expression

AP—Aesthetic Perception

HP—Historical and Cultural Perception

CA—Critical Analysis

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

Chapter 7. Academic Cross-References

§701. Introduction

A. This Chapter 7 lists the content standards and benchmarks that have been referenced in Drafting; Electricity; and Heating, Ventilating, Air Conditioning, and Refrigeration (HVACR). All referenced content area standards and benchmarks are for students in grades 9-12, indicated as "H" for high school, e.g.:

Code: ELA-1-H1:

ELA=English Language Arts;

1=Standard

H1=High School, Benchmark Number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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§703. English Language Arts (ELA)

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

ELA-1-H1	Using knowledge of word meaning and extending basic and technical vocabulary employing a variety of strategies (e.g., context clues, affixes, etymology, dictionary, thesaurus).
ELA-1-H2	Analyzing the effects of complex literary devices (e.g., figurative language, flashback, foreshadowing, dialogue, irony) and complex elements (e.g., setting, plot, character, theme, mood, style) on a selection.
ELA-1-H3	Reading, comprehending, and responding to extended, complex written, spoken, and visual texts.
ELA-1-H4	Interpreting complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-H5	Using the various purposes for reading (e.g., enjoying, learning, researching, problem-solving) to complete complex projects.

B. Standard Two. Students write competently for a variety of purposes and audiences.

ELA-2-H1	Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-H2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-H3	Applying the steps of the writing process, emphasizing revising and editing in final drafts.
ELA-2-H4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, editorials, critical analyses, logs).
ELA-2-H5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue) and various stylistic elements (e.g., diction, sentence structure, voice tone).
ELA-2-H6	Writing as a response to texts and life experiences (e.g., technical writing, resumés).

C. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

ELA-3-H1	Writing legibly
ELA-3-H2	Using the grammatical and mechanical conventions of standard English.
ELA-3-H3	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.

D. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

ELA-4-H1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-H2	Giving and following directions/procedures.
ELA-4-H3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations.
ELA-4-H4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-H5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech, CD-ROM).
ELA-4-H6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder, mediator).

E. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

ELA-5-H1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, citations, endnotes, bibliographic references, microprint, laser discs, hypertext, CD-ROM, keyword searches, bulletin boards, e-mail).
ELA-5-H2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-H3	Accessing information and conducting research using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-H4	Using available technology to produce, revise, and publish a variety of works.

ELA-5-H5	Citing references using various formats (e.g., parenthetical citations, endnotes, bibliography).
ELA-5-H6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, organizational charts/flowcharts).

F. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

ELA-6-H1	Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.
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G. Standard Seven. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

ELA-7-H1	Using comprehension strategies (e.g., predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-H2	Problem-solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.
ELA-7-H3	Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.
ELA-7-H4	Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations across texts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

**§705. Mathematics**

A. Number and Number Relations Strand (N). In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

N-1-H	Demonstrating an understanding of the real number system.
N-2-H	Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation).
N-3-H	Using number sense to estimate and determine if solutions are reasonable.
N-4-H	Determining whether an exact or approximate answer is necessary.
N-5-H	Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil).
N-6-H	Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion).
N-7-H	Justifying reasonableness of solutions and verifying results.

B. Algebra Strand (A). In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

A-1-H	Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa.
A-2-H	Recognizing the relationship between operations involving real numbers and operations involving algebraic expressions.
A-3-H	Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities.
A-4-H	Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper).

C. Measurement Strand (M). In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurements.

M-1-H	Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements.
M-2-H	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance).
M-3-H	Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations).
M-4-H	Demonstrating the concept of measurement as it applies to real-world experiences.

D. Geometry Strand (G). In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

G-1-H	Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures.
G-2-H	Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem or formulas involving radius, diameter, and circumference).
G-3-H	Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations).
G-4-H	Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon).
G-5-H	Classifying figures in terms of congruence and similarity and applying these relationships.
G-6-H	Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof).

E. Data, Discrete Math, and Probability Strand (D). In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

D-2-H	Recognizing data that relate two variables as linear, exponential, or otherwise in
D-3-H	Using simulations to estimate probabilities (e.g., lists and tree diagrams).

D-4-H	Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures.
D-7-H	Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot).
D-8-H	Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables.
D-9-H	Using discrete math to model real-life situations (e.g., fair games or elections, map coloring).

F. Patterns, Relations, and Functions (P). In problem-solving investigations, students demonstrate understanding of patterns, relations, and functions that represent and explain real-world situations.

P-1-H	Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology.
P-2-H	Translating between tabular, symbolic, or graphic representations of functions.
P-3-H	Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them.
P-4-H	Analyzing the effects of changes in parameters (e.g., coefficients and constants) on the graphs of functions, using technology whenever possible.
P-5-H	Analyzing real-world relationships that can be modeled by elementary functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2751 (December 2004), amended LR 32:

**§707. Social Studies**

A. Geography Strand: Physical and Cultural Systems (G). Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

1. Benchmark A: The World in Spatial Terms

G-1A-H1	Using geographic representations, tools, and technologies to explain, analyze, and solve geographic problems.
G-1A-H2	Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

2. Benchmark B: Places and Regions

G-1B-H1	Determining how location and social, cultural, and economic processes affect the features and significance of places.
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3. Benchmark C: Physical and Human Systems

G-1C-H1	Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world.
G-1C-H2	Determining the economic, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems.

4. Benchmark D: Environment and Society

G-1D-H1	Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment.
G-1D-H2	Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.
G-1D-H3	Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world.
G-1D-H4	Evaluating policies and programs related to the use of natural resources.
G-1D-H5	Developing plans to solve local and regional geographic problems related to contemporary issues.

B. Civics Strand: Citizenship and Government (C). Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

1. Benchmark A: Structure and purposes of Government

C-1A-H1	Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes.
C-1A-H5	Evaluating the role and importance of law in the American political system and applying criteria to evaluate laws.

C. Economics Strand: Interdependence and Decision Making (E). Students develop an understanding of fundamental economic concepts as they apply them to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

1. Benchmark A: Fundamental Economic Concepts

E-1A-H1	Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result.
E-1A-H2	Analyzing the roles that production, distribution, and consumption play in economic decisions.
E-1A-H3	Applying the skills and knowledge necessary in making decisions about career options.
E-1A-H4	Comparing and evaluating economic systems.
E-1A-H5	Explaining the basic features of market structures and exchanges.
E-1A-H6	Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

2. Benchmark B: Individuals, Households, Businesses and Governments.

E-1B-H1	Identifying factors that cause changes in supply and demand.
E-1B-H1	Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.
E-1B-H1	Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy.
E-1B-H1	Analyzing the causes and consequences of worldwide economic interdependence.
E-1B-H1	Evaluating the effects of domestic policies on international trade.
E-1B-H1	Analyzing Louisiana's role in the national and world economies.

### 3. Benchmark C: The Economy as a Whole

E-1C-H2	Explaining how interest rates, investments, and inflation/deflation impact the economy.
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D. History Strand: Time Continuity, and Change (H). Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

#### 1. Benchmark A: Historical Thinking Skills

H-1A-H1	Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
H-1A-H2	Explaining and analyzing events, ideas, and issues within a historical context.
H-1A-H3	Interpreting and evaluating the historical evidence presented in primary and secondary sources.
H-1A-H4	Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
H-1A-H5	Conducting research in efforts to analyze historical questions and issues.
H-1A-H6	Analyzing cause-effect relationships.

#### 2. Benchmark B: United States History

a. Era 6: The Development of the Industrial United States (1870-1900).

H-1B-H6	Analyzing the development of industrialization and examining its impact on American society.
H-1B-H16	Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
H-1B-H17	Analyzing developments and issues in contemporary American society.

#### 3. Benchmark C: World History

a. Era 9: The Twentieth Century since 1945 (1945 to the present)

H-1C-H15	Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends.
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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32::

### §709. Science

A. Science as Inquiry Strand (SI). Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

1. Benchmark A: The Abilities Necessary to do Scientific Inquiry

SI-H-A1	Identifying questions and concepts that guide scientific investigations.
SI-H-A2	Designing and conducting scientific investigations.
SI-H-A3	Using technology and mathematics to improve investigations and communications.
SI-H-A4	Formulating and revising scientific explanations and models using logic and evidence.
SI-H-A5	Recognizing and analyzing alternative explanations and models.

SI-H-A6	Communicating and defending a scientific argument.
SI-H-A7	Utilizing science safety procedures during scientific investigations.

### 2. Benchmark B: Understanding Scientific Inquiry

SI-H-B2	Communicating that scientists conduct investigations for a variety of reasons, such as: exploration of new areas; discovery of new aspects of the natural world; confirmation of prior investigations; evaluation of current theories; and comparison of models and theories.
SI-H-B3	Communicating that scientists rely on technology to enhance the gathering and manipulation of data.
SI-H-B4	Analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure; follow rules of evidence; allow for questions and modifications based on historical and current scientific knowledge.
SI-H-B5	Communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

B. Physical Science Strand (PS). Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

#### 1. Benchmark B: Atomic Structure

PS-H-B1	Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
PS-H-B2	Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).
PS-H-B3	Understanding that an atom's electron configuration, particularly that of the outer-most electrons, determines the chemical properties of that atom.

#### 2. Benchmark C: The Structure and Properties of Matter

PS-H-C1	Distinguishing among elements, compounds, and/or mixtures.
PS-H-C2	Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
PS-H-C6	Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.
PS-H-C7	Using the kinetic theory to describe the behavior of atoms and molecules during the phase changes and to describe the behavior of matter in its different phases.

#### 3. Benchmark D: Chemical Reactions

PS-H-D1	Observing and describing changes in matter and citing evidence of chemical change.
PS-H-D6	Comparing and contrasting the energy changes that accompany changes in matter.
PS-H-D7	Identifying important chemical reactions that occur in living systems, the home, industry and the environment.

#### 4. Benchmark E: Forces and Motion

PS-H-E1	Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
PS-H-E2	Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.

PS-H-E3	Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
PS-H-E4	Illustrating how frame of reference affects our ability to judge motion.

### 5. Benchmark F: Energy

PS-H-F1	Describing and representing relationships among energy, work, power, and efficiency.
PS-H-F2	Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

### 6. Benchmark G: Interactions of Energy and Matter

PS-H-G1	Giving examples of the transport of energy through wave action.
PS-H-G2	Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.
PS-H-G3	Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
PS-H-G4	Explaining the possible hazards of exposure to various forms and amounts of energy.

C. Earth Science Strand (ESS). Students will develop an understanding of the properties of Earth's materials, the structure of the Earth's system, the Earth's history, and the Earth's place in the universe.

[WARNING: Benchmarks for grades 9-12 need to be addressed if Earth Science is not offered at the high school level.]

#### 1. Benchmark A: Energy in the Earth System

ESS-H-A1	Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.
ESS-H-A2	Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.
ESS-H-A3	Explaining fission and fusion in relation to the Earth's internal and external heat sources.
ESS-H-A5	Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

#### 2. Benchmark B: Geochemical Cycles

ESS-H-B1	Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.
ESS-H-B2	Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

D. Science and the Environment Strand (SE). In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

#### 1. Benchmark A: Ecological Systems and Interactions

SE-H-A1	Demonstrating an understanding of the functions of Earth's major ecological systems.
SE-H-A2	Investigating the flow of energy in ecological systems.
SE-H-A9	Demonstrating an understanding of influencing factors of biodiversity.
SE-H-A10	Explaining that all species represent a vital link in a complex web of interaction.
SE-H-A11	Understanding how pollutants can affect living systems.

### 2. Benchmark B: Resources and Resource Management

SE-H-B1	Explaining the relationship between renewable and nonrenewable resources.
SE-H-B2	Comparing and contrasting conserving and preserving resources.
SE-H-B3	Recognizing that population size and geographic and economic factors result in the inequitable distribution of the Earth's resources.
SE-H-B4	Comparing and contrasting long and short-term consequences of resource management
SE-H-B5	Analyzing resource management.
SE-H-B6	Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs.

### 3. Benchmark C: Environmental Awareness and Protection

SE-H-C1	Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.
SE-H-C2	Evaluating the relationships between quality of life and environmental quality.
SE-H-C3	Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.
SE-H-C4	Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.
SE-H-C5	Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

### 4. Benchmark D: Personal Choices and Responsible Actions

SE-H-D1	Demonstrating the effects of personal choices and actions on the natural environment.
SE-H-D2	Analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action.
SE-H-D3	Demonstrating that the most important factor in prevention and control of pollution is education.
SE-H-D4	Demonstrating a knowledge that environmental issues should be a local and global concern.
SE-H-D5	Recognizing that the development of accountability toward the environment is essential for sustainability.
SE-H-D6	Developing an awareness of personal responsibility as stewards of the local and global environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

#### §711. Arts

A. Creative Expression (CE). Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

CE-IVA-H1	Producing works of art that successfully convey a central thought based on ideas, feelings, and memories.
CE-IVA-H2	Applying a variety of media techniques, technologies, and processes for visual expression and communication.
CE-IVA-H3	Recognizing and utilizing individual expression through the use of the elements of design while exploring compositional problems.
CE-IVA-H4	Producing a visual representation of ideas derived through the study of various cultures, disciplines, and art careers.

CE-1VA-H5	Producing imaginative works of art generated from individual and group ideas.
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B. Aesthetic Perception (AP). Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

AP-2VA-H1	Using an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art.
AP-2VA-H2	Analyzing unique characteristics of art as it reflects the quality of everyday life in various cultures.
AP-2VA-H3	Using descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment.
AP-2VA-H4	Assimilating the multiple possibilities and options available for artistic expression.

C. Historical and Cultural Perception (HP). Students develop historical and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

HP-3VA-H1	Categorizing specific styles and periods of art as they relate to various cultural, political, and economic conditions.
HP-3VA-H2	Analyzing how works of art cross geographical, political, and historical boundaries.
HP-3VA-H4	Analyzing materials, technologies, media, and processes of the visual arts throughout history.
HP-3VA-H5	Identifying the roles of artists who have achieved recognition and ways their works have influenced the community.

D. Critical Analysis (CA). Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

CA-4VA-H1	Translating knowledge of the design elements and principles to communicate individual ideas.
CA-4VA-H2	Working individually/collectively to compare and contrast symbols and images in the visual arts within historical periods and in other core curricula.
CA-4VA-H3	Comparing and contrasting the processes, subjects, and media of the visual arts.
CA-4VA-H4	Analyzing how specific works are created and how they relate to cultures and to historical periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Trade and Industrial Education, LR 32:

Subpart 3. Drafting

**Chapter 9. Drafting Program Rationale**

**§901. Introduction**

A. Refer to Subpart 1 of this Part XCIX for General Provisions applicable to this Drafting Program.

B. This course introduces the drafting trainee to the drafting trade, including the apprenticeship process and the opportunities within the trade.

C. Learning Objectives. Upon completion of this course, the trainee will be able to:

1. describe the history of the drafting occupation;
2. identify the stages of progress within the drafting occupation;
3. identify the responsibilities of a person working in the drafting profession;

4. state the personal characteristics of a professional;
5. explain the importance of safety in the drafting occupation.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**Chapter 11. Drafting Training Certification**

**Subchapter A. General Certification**

**§1101. Introduction**

A. The purpose of certification is to give recognition (certification) to schools whose curriculum in design/drafting meets the standards established and approved by the American Design Drafting Association (ADDA).

B. The program also provides a means of encouraging schools to develop and upgrade design/drafting curriculum in order to better prepare students to meet job requirements.

C. Request for Certification. A request for certification is implemented by a school official requesting the ADDA Certification Committee evaluate the curriculum. The evaluation is accomplished by examination of the school's curriculum; by interviews with faculty and graduates; by the use of references; by examination of data from catalogs, texts, courses, and other school publications; and by inspection of school facilities, if required.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1103. Eligibility for Certification**

A. The reliability of the following criteria depends upon establishing and adhering to an equitable procedure of evaluation.

B. General Requirements. A school that offers an organized curriculum of two or more years directed toward the preparation for employment of the designer and drafter may make application for certification. Certification may be requested when the curriculum has been in operation a minimum of two years.

C. Types of Schools Eligible. The types of schools eligible for certification are those offering courses leading to a diploma, certificate, or degree in design/drafting. These are:

1. colleges and universities, including branches or divisions;
2. technical institutes, including private, public, or endowed;
3. junior or community colleges;
4. trade schools, including private, public, or endowed;
5. post-secondary schools or vocational-technical schools;
6. high schools and vocational high schools;
7. vocational and training schools that supplement academic programs.

D. Ethical and Financial Status. The school must have a reputation for being fair and factual in all its dealings with students and the public, and maintain a high standard of ethics in all operations. The school shall give evidence of having adequate financial support for normal operation.

#### E. Physical Plant

1. Floor Space. Space should be adequate (classroom: approximately 22 square feet per student; drawing room: approximately 75 square feet per student) to accommodate all students, and should avoid the use of labs and drawing rooms by more than one class at the same time.

2. Equipment. Equipment in drawing labs should be equivalent to the minimum acceptable equipment used in industry, and should be supplied in sufficient quantity to permit usage by all students without "doubling up." All equipment should be in good condition, and provisions should be made for adequate storage. Laboratory and shop equipment should be adequate for student use and for demonstration.

3. Lighting. All classrooms and laboratories should be lit with a minimum of 100-foot candles.

4. Housekeeping. Work areas should be neat and clean. Premises should be cleaned daily. The students should be instructed and supervised in the proper care and usage of equipment and premises.

F. Types of Curriculum Certified. The curriculum may be certified for different levels and offered in any one of the various design/drafting fields, supported by specified related or background studies. The drafting courses shall be technological in nature, with emphasis placed on the graphical rather than analytical solutions of problems (See §7111 for ADDA Levels of Curriculum).

G. Length of Curriculum. The curriculum shall be at least two academic years of full-time residence work or equivalent in part-time or extension work. See "ADDA Levels of Curriculum" for credit/clock hour requirements (§7111).

#### H. Faculty Qualification

1. A desire to teach is an essential characteristic, but both the educational level of the faculty and their industrial or related experiences are additionally important. They should be experienced and competent, and should have proven ability in the subjects they teach.

2. Participation of faculty members in professional societies related to their field is a desirable practice. The ratio of instructors to students, as well as faculty teaching loads, should be such that quality instruction is enhanced.

#### I. Industry Advisory Committee

1. ADDA requires that the schools have or establish an advisory committee composed of three or more representatives of local industries. The committee shall assist the school in the promulgation of their design or drafting curriculum, and act as a continuing liaison between the educational institution and industry.

2. It shall be the responsibility of the school to report to ADDA the names of all members of this committee, with their addresses, business connections, and titles.

3. The committee should meet periodically at the school for observation, discussion, and advice. A written report from the advisory committee should be attached to the school's Annual Certification Renewal Form that contains the general condition of design/drafting curriculum, school facilities, faculty performance, and recommendations. Favorable yearly reports will have paramount importance in certification renewals.

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### Subchapter B. Curriculum Evaluation

#### §1105. Basis for Evaluation

A. It is intended that the basis for evaluating curriculum be sufficiently broad and liberal in scope to permit evaluators to work within reasonable limits in determining value of curriculum and eligibility for certification. Since there is considerable diversity in design/drafting courses and variations of the many types of schools that offer them, it is necessary to set certain minimum requirements.

B. Statement of Purpose. For each curriculum the school shall prepare a definitive statement mentioning the types and levels of employment open to graduates of that curriculum. One basis for certification is the extent to which the curriculum enables the student to handle the type and level of employment.

#### C. Attainment of Employment

1. One indication of the quality and content of any curriculum may be found by examining the following factors:

- a. the percentage of graduates placed in jobs for which they are trained;
- b. the job level attained by graduates after a five-year period;
- c. the length of employment;
- d. passing the ADDA Drafter Certification Exam.

2. Each application for certification shall include an employment report indicating the type and level of employment obtained by graduates and the names and addresses of firms employing the graduates.

3. The examining committee is instructed to recognize the difficulty in obtaining complete records of graduates five years after graduation; therefore, the school should make records as complete as possible. A record of continuing education is accepted in lieu of employment record.

#### D. Curriculum Analysis

##### 1. Drafter—Community College or Vo-Tech

a. In view of the diversity of methods for evaluating credit, the following method shall be utilized as a basis for equitable evaluation and comparison.

i. Assuming that two hours of preparation or outside problem work by the student are required for each hour of lecture or recitation, the total workload may be gauged by the formula  $3T + L - C$ , where T is theory or recitation contact hours, L is lab contact hours (includes work on board and/or CAD in drafting room), and C is curriculum workload.

b. The application of the above formula cannot alone serve as a basis for conclusion, but it does produce a figure below which special consideration should be given with respect to quantity of content and academic level of courses included in the curriculum.

##### 2. Apprentice Drafter—Post-Secondary School or Vo-Tech

a. The evaluation for this program will be based on the training institute's ability to ensure the student is provided with instruction that covers subjects listed in the "ADDA Test Objectives." A recommended guide for instruction is to use the customary one-hour of lecture for each two hours of lab time.

3. Vocational/Training Schools that Supplement Academic Programs. The evaluation for this program will be based on the training institute's ability to provide the technical instruction recommended at the drafter and apprentice drafter levels. Specifically, at the drafter level for programs working with community colleges or vo-tech schools, a minimum of 900 clock hours of instruction in Technical Drawing should be provided. At the apprentice drafter level for programs working with post-secondary or vo-tech schools, a minimum of 800 clock hours of instruction in Technical Drawing should be provided. At the apprentice drafter level for programs working with high schools or vocational high schools, a minimum of 600 hours (50 percent theory, 50 percent lab) of instruction in the Disciplines of Drafting and Design and Drafting Production Techniques should be provided. These recommendations are outlined in the ADDA Levels of Curriculum section.

E. Academic Level. The academic level of approved curriculum shall include 2, 3, and 4-year curriculum.

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### §1107. ADDA Levels of Curriculum

A. It is recognized that instruction and training in the field of drafting and/or design can be given in various degrees and levels of accomplishment. The following outline indicates the specifications applying to the levels of curriculum, ranging from secondary schooling to a university degree. It is not intended herein that the terms limit or establish industry classifications or identifications having similar designations.

1. Engineering Designer—Baccalaureate Degree University

a. The four-year degree must meet all the requirements defined below, in addition to those shown in the technical college or institute outline for design drafter.

Credits	Subjects
6 – 12	ADVANCED DESIGN COURSES (Advanced Machine Design, Dynamics, Fluid Mechanics, Kinematics, Special Departmental Design Project Courses)
3 – 12	MANAGEMENT DEVELOPMENT COURSES (Principles of Supervision, Industrial Organization, Management, Office Administration)
3 – 12	DESIGN GRAPHICS COURSES (Computer Graphics, Pipe Drafting, Structural Drafting, Highway Drafting, Civil Drafting)

2. Design Drafter—Technical College or Institute

a. Four or more semesters, 60-70 semester credits are recommended (60 credit minimum)

Credits	Subjects
10 – 15	TECHNICAL DRAWING (Basic, Machine Architectural, Electrical, Mapping, Piping, Structural, Technical Illustration, Technical/Sketching, Tool Detailing, Jig and Fixture, and Advanced Descriptive Geometry)
2 – 4	DESCRIPTIVE GEOMETRY
4 – 8	PHYSICAL SCIENCES (Physics*, Chemistry)

6 – 12	MATH – COLLEGE LEVEL (Algebra*, Trigonometry*, Analytic Geometry)
6 – 10	STATICS, STRENGTH OF MATERIALS, PROPERTIES OF MATERIALS
4 – 8	MANUFACTURING PROCESSES (Machine Shop, Welding, Foundry)
3 – 9	COMMUNICATIONS (English Composition*, Report Writing, Speech)
5 – 15	RELATED SPECIALTY COURSES (Electricity*, Survey, Business Machines, Elementary Machines Design, Computer Aided Drafting, Hydraulics, Economics, Accounting, Numerical Control)
0 - 3	INSTITUTIONAL ELECTIVES (subject matter to satisfy special institutional requirements, e.g., History, Government, P.E.)

\*Specifically recommended

3. Drafter—Community College or Vo-Tech (excludes apprentice drafter)

a. 50-60 semester credits are recommended (50 credit minimum-1,340 clock hours minimum)

Clocked Hours	Credits	Subjects
900-200	15-20	TECHNICAL DRAWING (Basic, Machine, Architectural, Electrical, Mapping, Piping, Structural, Technical Illustration, Technical/Sketching, Tool Detailing, Jig and Fixture, and Advanced Descriptive Geometry, Geometric Dimensioning and Tolerancing and CAD)
40 - 80	2-4	DESCRIPTIVE GEOMETRY
80 – 160	4 – 8	BASIC SCIENCES (Applied Physics, Mechanics, Chemistry)
40 – 120	4 – 8	MATH – COLLEGE LEVEL (Algebra*, Trigonometry*)
40 – 120	2 – 6	MANUFACTURING PROCESSES (Machine Shop*, Metal Shop, Foundry, Welding)
40 – 120	2 – 6	PROPERTIES OF MATERIALS
60 – 120	3 – 6	COMMUNICATIONS (English Composition, Business English, Report Writing)
100 - 200	5 – 10	RELATED SPECIALTY COURSES (Custom Menus, Plane and Solid Geometry, Computer Programming)

\*Specifically recommended

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1109. Vocational and Training Schools that Supplement Academic Programs

A. When a vocational or training school is used in conjunction with an academic program to provide instruction and training in the field of drafting and/or design, it is recognized that the Vocational/Training School will provide the required 900-1,200 clock hours of instruction and the student will receive the remaining coursework at the academic institution.

1. Apprentice Drafter—Post-Secondary School or Vo-Tech. It is recommended that a minimum of 400 clock hours in the core curriculum be required. The student's total curriculum should provide the opportunity to obtain the knowledge and skills required to successfully pass the ADDA Drafter Certification test.

Clocked Hours	Credits	Subjects
800-1000	15 – 20	TECHNICAL DRAWING (Care, Machine, Architectural, Electrical, Electromechanical, Mapping, Piping, Structural, Technical Illustration, Technical/ Sketching, Tool Detailing, Jig and Fixture, and Advanced Descriptive Geometry, Geometric Dimensioning and Tolerancing and CAD)

2. Apprentice Drafter – High School or Vocational High School Level. To qualify for certification at the high school/vocational high school level, the drafting program must include the following subjects.

<p><i>English:</i> four years  <i>Math:</i> three years minimum (i.e., Algebra, Geometry, Trigonometry)  <i>Science:</i> three years (i.e., Biology, Chemistry, Physics)            Disciplines of Drafting and Design:  <i>Architecture:</i> Residential, Commercial, Structural Steel, Design/Drafting Techniques  <i>Civil:</i> Basic civil design/drafting principles (i.e., site plans)  <i>Mechanical:</i> Basic mechanical design/drafting principles and techniques  <i>Electro/Mechanical:</i> Basic electro/mechanical design/drafting principles and techniques  <i>Drafting Production Techniques</i></p>
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a. The drafting program course of study must be at least two years in length (usually grades 11 and 12) with class contact of 150 hours per semester (300 hours per school year). Program evaluation will be based on the formula 50 percent theory/50 percent lab. When a vocational or training school is used to provide training and instruction in drafting or design in conjunction with the academic institution, it is recognized that the student will receive instruction in the Disciplines of Drafting and Design and Drafting Production Techniques at the vocational/training school.

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### §1111. Subjects

#### A. Drawing Courses

1. For Engineering Designer or Design Drafter, the curriculum must be equally complete in the theory and technique of drafting, but must also extend into the field of engineering and design with which they are associated. They must encompass the ability to make use of graphic principles in the solution of problems relating to design/drafting.

2. The curriculum for Drafter and Apprentice Drafter should contain not only basic, but also advanced drawing courses in one or more specialized fields. The courses should provide the student with a complete foundation in the theory

and technique of drafting. They should offer training to develop:

- a. manual skill in the use of instruments;
- b. the ability to do neat, legible, free-hand lettering and sketching in the area of specialization; and
- c. computer-aided drafting (CAD) systems.

3. It is understood that drawing courses involve not only drawing board and CAD practice in a formal class, but also lecture, discussion and individual guidance, as may be suitable, from an instructor present in the class. It is recommended that, when applicable, “Design” courses include a finished drawing product, as well as computation and access to and use of catalogs, standard parts lists, commercial accessories, etc., as necessary.

#### B. Applied Technical Courses (includes basic sciences)

1. Courses that equip the drafting student with technical information directly related to his or her ultimate duties as a drafter, and without the use of which he or she could be no more than a copyist, are classified as applied technical specialties. In the area of machine drafting, courses falling under this heading include such subjects as:

- a. metallurgy;
- b. mechanics;
- c. materials and testing;
- d. metal shop;
- e. machine operations;
- f. production planning;
- g. chemistry;
- h. physics; and
- i. computer science.

C. Mathematics. The Drafter curriculum should include algebra, geometry, and trigonometry at the post-high school level. In the two higher classifications, analytic geometry and calculus should be required or integrated in design courses. It is expected the treatment will be oriented toward the needs of the profession.

D. General Subjects (English, Communications, Leadership, Humanities, and others). Subjects which contribute to the overall improvement of a student and to his/her development as a citizen, but which are not directly related to his/her activities as a designer or drafter, are included under this heading. All levels include an allowance for studies under this general heading.

NOTE: Subjects 2 through 4 are to be omitted from the curricular requirements for Apprentice Drafter, Post-Secondary School or Vo-Tech. Students are encouraged to continue their education for those subjects at a community college or university.

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**Chapter 13. National Occupational Skills Standards**

**§1301. Competencies, Foundation Skills, and**

**Academic Cross-References**

**A. Standard 1: Fundamental Drafting Skills**

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
<p><b>A. DRAWING MEDIA AND RELATED DRAFTING MATERIALS</b></p> <p>(1) Identify the characteristics and types of vellum, mylar, paper, etc.</p> <p>(2) Select drawing media from among the following choices: mylar, vellum, paper, etc.</p> <p>(3) Identify the characteristics and types of vellum, mylar, plotting pens, plotting pencils, ink, and toner cartridges.</p> <p>(4) Select related drafting materials from among the following choices: plotting pens, plotting pencils, ink, and toner cartridges. Consider the following criteria: costs, equipment, use, compatibility, and accuracy.</p>	<p>1, 3</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	<p><b>English Language Arts (ELA)</b></p> <p>ELA 1—H1, H3, H4, H5</p> <p>ELA 3—H1, H2, H3</p> <p>ELA 4—H2, H5</p> <p>ELA 5—H1, H2, H3, H4, H6</p> <p>ELA 7—H1</p> <p><b>Mathematics</b></p> <p>N – 1H, 2H, 3H, 4H, 5H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 2H, 3H, 6H</p> <p>D—None</p> <p>P—None</p>
<p><b>B. BASIC MEASUREMENT SYSTEMS</b></p> <p>(1) List the elements of the English/Imperial system and the metric system.</p> <p>(2) Identify basic measurement systems using: fractions, decimals, metric, English, degrees, and radians.</p> <p>(3) Evaluate each measuring system using the criteria of: length, mass (weight), area, perimeter, circumference, and volume.</p> <p>(4) Apply the elements of the English/Imperial system and the metric system.</p> <p>(5) Apply basic measurement systems' measurements to the mathematical operations of length, mass (weight), area, perimeter, circumference, and volume.</p>	<p>1, 3, 4</p> <p>1, 3, 4</p> <p>2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	<p><b>Science</b></p> <p>SI –H – A1, A2, A3, A4, A5, A6</p> <p><b>Arts</b></p> <p>CE – 1VA-H2, H7</p> <p>HP – 3VA-H4</p> <p>CA – 4VA-H1, H3</p> <p><b>English Language Arts</b></p> <p>ELA 1—H1, H3, H4, H5</p> <p>ELA 2—H4, H6</p> <p>ELA 3—H1, H2, H3</p> <p>ELA 4—H2, H5</p> <p>ELA 5—H1, H2, H3, H4, H6</p> <p>ELA 7—H1</p>
<p><b>C. ANNOTATING DRAWINGS</b></p> <p>(1) Identify notes, symbols, and the placement of notes and symbols.</p> <p>(2) Prepare notes and proportionately sized symbols for features requiring description (e.g., electrical symbols).</p> <p>(3) Apply annotation notes, symbols, and placement to correct the feature being described (e.g., electrical symbols).</p>	<p>1, 3,</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	<p><b>Mathematics</b></p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>A – 1H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 5H</p> <p>D—None</p> <p>P—None</p>
<p><b>D. LINE STYLES AND WEIGHTS</b></p> <p>(1) Identify line styles (e.g., center line, hidden line, phantom, object, section).</p> <p>(2) Identify line weights (e.g., center line, hidden line, phantom line, object line, section line).</p> <p>(3) Evaluate line styles and correct line style in order to represent/define features</p> <p>(4) Apply various line styles in accordance with industry-accepted standards.</p>	<p>1, 3, 4</p> <p>1, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	<p><b>Science</b></p> <p>SI –H – A1, A2, A3, A5, A6, A7</p> <p><b>Arts</b></p> <p>CE – 1VA – H2, H7</p> <p>AP – 2VA – H4</p> <p>CA – 4VA—H1</p>
<p><b>E. PREPARING TITLE BLOCKS AND OTHER DRAFTING FORMATS</b></p> <p>(1) Identify title block components (e.g., sale, sheet, number, revision).</p> <p>(2) Evaluate the title block using the following criteria: location on the drawing, content, and appropriate letter height and justification.</p> <p>(3) Prepare a title block.</p> <p>(4) Identify the components of a bill of materials, parts list, and schedules.</p> <p>(5) Prepare a title block including bill of materials, parts list and schedule.</p> <p>(6) Identify/prepare a tolerance block.</p> <p>(7) Reference/information chart, identify the size, quantity, symbol, and location of each feature and proprietary information.</p> <p>(8) Evaluate the tolerance block using the following criteria: location on the drawing, content, and appropriate letter height and justification.</p> <p>(9) Identify/prepare a revision status of sheet blocks.</p> <p>(10) Identify/prepare a border, incorporating fold lines, microfilm, arrows and zones.</p> <p>(11) Evaluate the border using the following criteria: location on the drawing, content, and appropriate letter height and justification.</p> <p>(12) Identify and apply industry standard symbols, identify the finish mark, electrical/electronic, welding, GD&amp;T, machine tool, and architectural symbols</p>	<p>1, 3,</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 3, 4</p> <p>1, 2, 3, 4</p>	<p><b>English Language Arts</b></p> <p>ELA 1—H1, H3, H4, H5</p> <p>ELA 2—H4, H6</p> <p>ELA 3—H1, H2, H3</p> <p>ELA 4—H2, H5</p> <p>ELA 5—H1, H2, H3, H4, H6</p> <p>ELA 7—H1</p> <p><b>Mathematics</b></p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>A – 1H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 5H</p> <p>D—None</p> <p>P—None</p> <p><b>Social Studies</b></p> <p>C – 1A –H1</p> <p>E – 1A – H3</p> <p><b>Science</b></p> <p>SI –H – A3</p> <p><b>Arts</b></p> <p>CE – 1VA – H1, H2, H7</p> <p>CA – 4VA—H1</p> <p><b>English Language Arts (ELA)</b></p> <p>ELA 1—H1, H3, H4, H5</p>

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
<b>F. REPRODUCTION OF ORIGINALS USING DIFFERENT METHODS</b> (1) Identify methods for reproduction of originals. (2) Evaluate the appropriate copying method with the cost and purpose of the drawing. (3) Create a first generation plot by developing a plotted drawing.	1, 3, 1, 2, 3, 4 1, 2, 3, 4	ELA 2—H4 ELA 3—H1, H2, H3 ELA 4—H2, H5 ELA 5—H1, H2, H3, H4, H6 ELA 7—H1  <b>Mathematics</b> N – 1H, 2H, 3H, 4H, 6H, 7H A – 3H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H D—None P—None
<b>G. CREATE FREEHAND TECHNICAL SKETCHES</b> (1) Identify the purpose of a freehand sketch. (2) Create freehand technical sketches.	1, 2, 3, 4 1, 2, 3, 4	 N – 1H, 2H, 3H, 4H, 6H, 7H A – 3H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H D—None P—None
<b>H. ORTHOGRAPHIC PROJECTIONS</b> (1) Identify appropriate orthographic views to completely describe an object. (2) Identify the proper size and location of necessary orthographic views. (3) Identify, create, and place appropriate orthographic views. (4) Create orthographic views utilizing the criteria: necessary views, surface and edge relationships, and hidden lines/surfaces. (5) Identify, create, and place appropriate section views. (6) Identify the purposes of section views. (7) Create section views with (e.g., full, rib, half). (8) Identify, create, and place appropriate auxiliary views. (9) Identify the purposes of primary and secondary auxiliary views. (10) Identify primary and secondary auxiliary purposes for use.	1, 2, 3, 4 1, 2, 3 1, 2, 3, 4  1, 2, 3, 4 1, 2, 3, 4	 C-1A—H1  <b>Social Studies</b>  <b>Science</b> SI –H – A1, A2, A3, A5, A6, A7  <b>Arts</b> CE – 1VA – H1, H2, H5, H7 AP – 2VA – H4 CA – 4VA—H1, H3  <b>English Language Arts (ELA)</b> ELA 1—H1, H3, H4, H5 ELA 4—H2, H5 ELA 5—H1, H2, H3, H4 ELA 7—H1
<b>I. PICTORIAL DRAWINGS</b> (1) Identify isometric, diametric, trimetric, and exploded drawings. (2) Identify and create axonometric drawings. (3) Create in detail axonometric; isometric, diametric, trimetric, and exploded drawings. Evaluate the drawings by the criteria: size and angle. (4) Identify cabinet and cavalier oblique drawings. (5) Identify and create oblique and cavalier drawings. (6) Create cabinet and cavalier oblique drawings, using proper size and angle. (7) Identify perspective drawings. (8) Identify 1, 2, and 3-point views, evaluating different types of perspective drawings.	1, 2, 3 1, 2, 3, 4  1, 2, 3, 4 1, 2, 3 1, 2, 3, 4 1, 2, 3 1, 2, 3, 4 1, 2, 3 1, 2, 3, 4	 N – 1H, 2H, 3H, 4H, 5H, 6H, 7H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H D—None P—None  <b>Social Studies</b> C – 1A—H1, H2 C-1A—H1  <b>Science</b> SI –H – A1, A2, A3, A5, A6  <b>Arts</b> CE – 1VA – H1, H2, H3, H7 CA – 4VA—H1 AP – 2VA – H4  <b>English Language Arts (ELA)</b> ELA 1—H1, H3, H4, H5 ELA 2—H4 ELA 4—H2, H5 ELA 5—H1, H2, H3, H4, H6 ELA 7—H1
<b>J. DIMENSIONING</b> (1) Identify extension, dimension and leader lines from a drawing. (2) Identify and describe generally accepted dimensioning practices (e.g., spacing, crossing lines). (3) Apply dimensioning rules to extension, dimension, and leader lines. (4) Identify and outline the use of generally accepted dimension line terminators. (5) Identify the generally accepted practices of dimensioning a line, an angle, radii, and diameter. (6) Apply the proper size and location to: dimensions of lines, arcs, angles, radii, and diameters. (7) identify the generally accepted practices of dimensioning spheres, cylinders, tapers, pyramids, irregular objects, and pictorial drawings. (8) Apply the proper size and location to spheres, cylinders, tapers, pyramids, irregular objects, and pictorial drawings. (9) Identify the purpose of size and location of a center line for dimensioning symmetrical features. (10) Apply the symmetrical features of a center line to its proper size and location. (11) Identify and provide a use for different types of dimensioning style (e.g., Cartesian, polar, datum, coordinate). (12) Apply the proper size and location to Cartesian, polar, datum, and coordinate dimensioning methods. (13) Identify and place tolerance dimensioning and Geometric Dimensioning and Tolerance. (14) Apply the proper size and location to GD &T (tolerancing and datum) symbols.	1, 3  1, 2, 3 1, 2, 3  1, 3  1, 3  1, 2, 3, 4  1, 3, 4  1, 2, 3, 4  1, 3  1, 2, 3  1, 2, 3  1, 2, 3, 4  1, 2, 3, 4  1, 2, 3, 4	 CE – 1VA – H1, H2, H3, H7 CA – 4VA—H1 AP – 2VA – H4  <b>English Language Arts (ELA)</b> ELA 1—H1, H3, H4, H5 ELA 2—H4 ELA 4—H2, H5 ELA 5—H1, H2, H3, H4, H6 ELA 7—H1  <b>Mathematics</b> N – 1H, 2H, 3H, 4H, 5H, 6H, 7H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H P – None D – None  <b>Social Studies</b> G – 1A—H1, H2 C – 1A—H1  <b>Science</b> SI –H – A1, A2, A3, A4, A5, A6  <b>Arts</b> CE – 1VA – H1, H2, H3, H7 AP-2VA—H4 CA – 4VA – H1  <b>English Language Arts (ELA)</b> ELA 1—H1, H2, H3, H4, H5 ELA 2—H4 ELA 3—H1, H2, H3

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
		ELA 4—H2, H5 ELA 5—H1, H2, H3, H4, H6 ELA 7—H1  <b>Mathematics</b> N – 1H, 2H, 3H, 4H, 5H, 6H, 7H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 6H D – None P – None  <b>Social Studies</b> C – 1A—H1  <b>Science</b> SI –H – A1, A2, A3, A4, A5, A6  <b>Arts</b> CE – 1VA – H1, H2, H7 CA – 4VA – H1

B. Standard 2. Fundamental Computer Skills

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
<b>A. HARDWARE</b> (1) Demonstrate proper care of equipment for care of computer components. (2) Explain the standard procedures regarding care of equipment: keyboard, monitor, CPU, etc., based on the survey of operators' manuals. (3) Identify/explain standard procedures for input devices (mouse, keyboard, tablet/digitizer) based on the survey of the operators' manual. (4) Operate and interface with computers and software through the use of input devices (e.g., mouse, keyboard, tablet/digitizer). (5) Identify and explain output devices (printers/plotters) based on the standard procedures found in the survey of operators' manuals. (6) Operate and adjust output devices. (7) Identify different types if storage media and the proper operating methods/protection capabilities for each type. (8) Explain the standard techniques and procedures for the care and usage of storage media (e.g., diskettes, tapes, CDs). (9) Demonstrate power-up with system function intact and initialization/exit procedures. (10) Demonstrate the ability to adjust monitor controls. (e.g., brightness, contrast, etc.). (11) Recognize availability of information services. (12) Describe the purpose of e-mail, bulletin boards, internal/external computer networks, and online information services.	1, 3  1, 3  1, 2, 3  1, 2, 3  1, 2, 3  1, 3  1, 3  1, 3  1, 2, 3 1, 2, 3, 4  1, 3, 4	<b>English Language Arts (ELA)</b> ELA 1—H1, H3, H4, H5 ELA 2—H4 ELA 4—H2, H5 ELA 5—H1, H2, H3 ELA 7—H1, H2  <b>Mathematics</b> N – 4H, 5H A – 1H M – 4H G – 3H, 4H, 5H, 6H  <b>Social Studies</b> E – 1A—H3  <b>Science</b> SI –H – A3, A5  <b>Arts</b> CE – 1VA – H2  <b>English Language Arts (ELA)</b> ELA 1—H1, H3, H4, H5 ELA 2—H4, H6 ELA 3—H1, H2, H3 ELA 4—H2, H5 ELA 5—H1, H2 ELA 7—H1, H2  <b>Mathematics</b> N – 3H, 4H, 5H, 6H, 7H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H P – 4H  <b>Social Studies</b> C-1A—H1 E-1A—H3  <b>Science</b> SI-H—A1, A2, A3, A5, A6, A7 S1-H—B3, B5 PS-H—G4  <b>Arts</b>
<b>B. PHYSICAL AND SAFETY NEEDS</b> (1) Demonstrate an understanding of ergonomic considerations. (2) List and explain the importance of each feature of an ergonomic environment for a computer operator. (3) Identify/explain ergonomic applications (e.g., lighting, posture, keyboard position). (4) Demonstrate personal safety. (5) List safety standards and describe potential safety hazards that may affect a computer operator. (6) List and describe the OSHA and national Electrical Code safety standards, e.g., extension cords, daisy chaining, and watts usage for an outlet.	1, 2, 3, 4  1, 2, 3, 4  1, 2, 3, 4  1, 3, 4  1, 3, 4  1, 3, 4	N – 3H, 4H, 5H, 6H, 7H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H P – 4H  <b>Social Studies</b> C-1A—H1 E-1A—H3  <b>Science</b> SI-H—A1, A2, A3, A5, A6, A7 S1-H—B3, B5 PS-H—G4  <b>Arts</b>

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
<b>C. OPERATING SYSTEMS</b>		
(1) Start and exit software programs as required.	1, 3	CE – 1VA – H2, H7 AP-2VA—H4
(2) Demonstrate proper file management techniques.	1, 2, 3, 4	CA-4VA—H1
(3) List and describe the function of file management commands.	1, 3, 4	<b>English Language Arts (ELA)</b>
(4) Explain definitions and procedures for file management techniques: copying, deleting, finding, saving, and renaming.	1, 2, 3, 4	ELA 1—H1, H3, H4, H5 ELA 2—H4, H6
(5) Demonstrate definitions and procedures for file management techniques.	1, 3, 4	ELA 3—H1, H2, H3 ELA 4—H2, H5
(6) Explain and demonstrate formatting a floppy disk.	1, 2, 3	ELA 5—H1, H2, H3 ELA 7—H1
(7) Identify, create, and use directory structure and change paths.		<b>Mathematics</b>
(8) Identify the correct method to organize files on a particular workstation and recognize potential problems.	1, 2, 3	N – 2H, 3H, 4H, 5H, 6H, 7H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 5H, 6H D – 7H
(9) Create and apply a directory structure (e.g., directories, sub-directories, files) to organize files on a particular workstation.	1, 2, 3	
(10) Identify, explain, and demonstrate the file back-up procedure for files, directories, programs, etc., based on the operating/application system.	1, 2, 3, 4 1, 2, 3, 4	<b>Social Studies</b>
(11) Translate, import, and export data files between formats.	1, 2, 3	E-1A—H3
(12) Explain the procedure and limitations for data files and data types based on the application system (i.e., justification, advantages and disadvantages).	1, 3, 4 1, 2, 3, 4	<b>Science</b> S1-H—A1, A2, A3, A5, A6, A7
(13) Identify the location and purpose of online help.	1, 2, 3	<b>Arts</b>
(14) Use an online help tutorial based on the application system.	1, 2, 3, 4	CE – 1VA – H7
(15) Save drawings to storage devices such as hard drives, floppy disks, CDs, etc., based on the application system.	1, 2, 3	

C. Standard 3. Basic CADD Skills

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference Standard-Benchmark
<b>A. CREATE</b>		
(1) Demonstrate the ability to open a drawing data file and create a drawing.	1, 2, 3	<b>English Language Arts (ELA)</b>
(2) Demonstrate the ability to perform a drawing setup (e.g., sheet size, border, title block).	1, 2, 3	ELA 1—H1, H3, H4, H5 ELA 2—H4 ELA 4—H2, H5 ELA 5—H1, H2, H3 ELA 7—H1
(3) Construct geometric figures through the use of multiple construction techniques. (e.g., lines, conics, circles, splines, arcs, polygons) given size, orientation, and location specifications.	1, 2, 3, 4 1, 2, 3	<b>Mathematics</b>
(4) Create text using appropriate style and size to annotate drawings.	1, 2, 3	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H A – 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
(5) Use and control accuracy enhancement tools such as snap, grid, construction plane, etc.	1, 2, 3	<b>Social Studies</b>
(6) Use and control entity positioning tools osnap, snap, grid, construction plane, etc.	1, 2, 3, 4	C-1A—H1
(7) Identify, create, store, and use appropriate symbols/libraries.		<b>Arts</b>
(8) Identify and differentiate between various symbol styles: ANSI standard, ISO standard, company standards, and discipline oriented symbols.	1, 2, 3, 4 1, 2, 3, 4 1, 2, 3, 4	CE – 1VA – H2, H7
(9) Demonstrate the ability to retrieve symbols from a defined location.		<b>English Language Arts (ELA)</b>
(10) Demonstrate the ability to locate, size, and orient documentation symbols.	1, 2, 3	ELA 1—H1, H3, H4, H5 ELA 2—H4 ELA 3—H1 ELA 4—H2, H5 ELA 5—H1, H2, H3, H4 ELA 7—H1
(11) Create accurate and proper 3D wireframe/solid representations for plane services.	1, 2, 3, 4 1, 2, 3, 4	<b>Mathematics</b>
(12) Create accurate and properly represented 3D solid models composed of primitives.	1, 2, 3, 4 1, 2, 3, 4	N – 2H, 3H, 4H, 5H, 6H, 7H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
(13) Extract an accurate 2D profile from a 3D wireframe model.		<b>Social Studies</b>
(14) Revolve a profile to create a 3D object.		C-1A—H1 E-1A—H3
(15) Create 3D wireframe models from 2D geometry using extrusions.		<b>Science</b>
<b>B. EDIT</b>		
(1) Identify and define the editing commands: mirror, trim, extend, scale, rotate, etc., which are used as techniques for construction.	1, 3, 4	SI-H – A1, A2, A3, A5, A6, A7 S1-H—B3
(2) Demonstrate an accurate and unambiguous representation of an object utilizing the editing commands: mirror, trim, extend, scale, rotate, etc.	1, 2, 3	<b>Arts</b>
(3) Identify non-geometric entities such as text, title blocks, fonts, attributes, annotations, color, and dimensions.	1, 2, 3	CE – 1VA – H2, H7 CA – 4VA – H1
(4) Demonstrate editing and sizing skill utilizing non-geometric commands: text sizing, editing, font, and orientation.	1, 2, 3, 4	

<p><b>C. MANIPULATE</b></p> <p>(1) Identify coordinate type, origin, scale, axis orientation, and origin locations.</p> <p>(2) Demonstrate the modification and selection of origin, scale, and axis orientation.</p> <p>(3) Identify line style properties and types such as color, thickness, style, etc.</p> <p>(4) Demonstrate the modification of entity properties (e.g., color type, line type, thickness type).</p> <p>(5) Demonstrate viewing commands (e.g., dynamic rotation, zooming, panning, change view, view names, multiview-view).</p> <p>(6) Define and apply the correct use for display commands (e.g., hidden line, no hidden, shading, meshing, wire frame, etc.).</p> <p>(7) Define and identify standard parts and symbol libraries (e.g., scale, location, entity properties).</p> <p>(8) Demonstrate the location, use, and creation of standard parts and symbol libraries (e.g., scale, location, entity properties).</p> <p>(9) Plot drawings on media using correct layout and scale.</p> <p>(10) Define and understand the various purposes and usage of layering techniques (e.g., freeze, visibility).</p> <p>(11) Demonstrate and apply the various laying techniques (e.g., freeze, visibility).</p> <p>(12) Define and understand the various purposes and the use of grouping techniques (e.g., ungroup, delete, regroup, create).</p> <p>(13) Demonstrate various grouping techniques.</p> <p>(14) Determine file size/extraneous entities and the need for file size reduction.</p> <p>(15) Demonstrate reduction of file size/extraneous entities.</p>	<p>1, 3</p> <p>1, 2, 3 1, 3</p> <p>1, 2, 3</p> <p>1, 2, 3</p> <p>1, 2, 3</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3</p> <p>1, 2, 3, 4</p> <p>1, 2, 3</p> <p>1, 2, 3, 4</p> <p>1, 2, 3</p> <p>1, 2, 3</p> <p>1, 2, 3, 4</p>	<p><b>English Language Arts (ELA)</b></p> <p>ELA 1—H1, H3, H4, H5</p> <p>ELA 2—H4</p> <p>ELA 3—H1</p> <p>ELA 4—H2, H5</p> <p>ELA 5—H1, H2, H3, H4</p> <p>ELA 7—H1</p> <p><b>Mathematics</b></p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>A – 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p><b>Social Studies</b></p> <p>C – 1A—H1</p> <p>E – 1A—H3</p> <p><b>Science</b></p> <p>SI-H – A1, A2, A3, A5, A6, A7</p> <p>SI- H –B3</p> <p><b>Arts</b></p> <p>CE – 1VA – H2, H7</p> <p>CA – 4VA—H1</p> <p><b>English Language Arts (ELA)</b></p> <p>ELA 1—H1, H3, H4, H5</p> <p>ELA 2—H4</p> <p>ELA 3—H1, H2, H3</p> <p>ELA 4—H2, H5</p> <p>ELA 5—H1, H2, H3</p> <p>ELA 7—H1</p>
<p><b>D. ANALYZE</b></p> <p>(1) Use query commands to interrogate database.</p> <p>(2) Apply the use of query commands (e.g., mass properties, geometric measure, system status, entity characteristics).</p>	<p>1, 2, 3, 4</p> <p>1, 2, 3</p>	<p><b>Mathematics</b></p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H</p> <p>A – 1H, 2H, 3H, 4H</p> <p>M – 1H, 2H, 3H, 4H</p> <p>G – 1H, 2H, 3H, 4H, 5H, 6H</p>
<p><b>E. DIMENSIONING</b></p> <p>(1) Correctly identify and define the various descriptors of associative dimensioning (e.g., horizontal, vertical, ordinate).</p> <p>(2) Demonstrate the various descriptors of associative dimensioning (e.g., horizontal, vertical, ordinate).</p>	<p>1, 2, 3</p> <p>1, 2, 3, 4</p>	<p><b>Social Studies</b></p> <p>C-1A—H1</p> <p>E-1A—H3</p> <p><b>Science</b></p> <p>S1-H—A1, A2, A3, A5, A6, A7</p> <p><b>Arts</b></p> <p>CE – 1VA—H2, H7</p> <p>CA-4VA—H1</p>



<p>E. PRODUCTIVITY AND WORK HABITS</p> <ol style="list-style-type: none"> <li>(1) Identify the features that can be customized (e.g., menus, script files, macros, key assignments).</li> <li>(2) Identify the purposes, uses, and needs for customization techniques in menus, key assignments, scripts, and macros.</li> <li>(3) Perform customization to improve productivity (e.g., customize menus, function keys, script files, macros).</li> <li>(4) Demonstrate results from applying customization techniques to menus, key assignments, scripts, and macros.</li> <li>(5) Identify non-graphical data, then define the purpose and describe the techniques for inputting or extracting non-graphical data.</li> <li>(6) Identify the purpose and usage of non-graphical data.</li> <li>(7) Demonstrate skill by manipulating non-graphical data.</li> <li>(8) Define standard drawing defaults and identify the purpose of changing system defaults.</li> <li>(9) Identify the needs and purposes of drawing standard presets using template and library defaults.</li> <li>(10) Demonstrate skill by using template and library system defaults to create drawing standard presents.</li> <li>(11) Identify the need to construct geometry graphics using parametrically controlled programs.</li> <li>(12) Develop geometry using parametric programs.</li> </ol>	<p>1, 3 1, 3 1, 2, 3 1, 2, 3 1, 2, 3 1, 3 1, 2, 3 1, 3, 4 1, 3, 4 1, 2, 3, 4 1, 3, 4 1, 2, 3, 4</p>	<p>C-1A—H1 E-1A—H3 <b>Science</b> S1-H—A1, A2, A3, A5, A6, A7 <b>Arts</b> CE – 1VA—H2, H7 CA-4VA—H1</p>
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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**Subpart 5. Electricity**

**Chapter 15. Electrical Excellence Rationale**

**§1501. Introduction**

A. See Subpart 1 of this Part XCIX for General Provisions applicable to this Electricity Skills Program.

B. The purpose of this Subpart 11 is to provide Louisiana administrators, supervisors, and instructors with electrical standards and benchmarks that can be used to improve the quality of instruction in Louisiana's Secondary Electrical Trade and Industrial Education Programs. A requirement of this project was to incorporate and reference appropriate, nationally approved standards and benchmarks. The national standards and benchmarks referenced in this work were developed under the auspices of the U. S. Electrical Construction Industry Skill Standards Certification Project. The project was undertaken as a cooperative agreement between the U. S. Department of Labor and a coalition of organizations representing the electrical construction industry. Those organizations that chose to participate in the project included the National Electrical Contractors Association, the Independent Electrical Contractors Association, the International Brotherhood of Electrical Workers and the National Joint Apprenticeship Training Committee. The goal of the Skill Standards project was to preserve high standards for electrical workers and to encourage formal acceptance of the standards by the entire electrical industry. The Louisiana State Apprenticeship Council, Louisiana Department of Labor, adopted these standards on October 18, 1996.

C. Electrical trade training in Louisiana may be obtained through selected public education programs at the high school level and the Louisiana Technical and Community College System, and through organizations such as the International Brotherhood of Electrical Workers and the Associated Builders and Contractors. The National Joint Apprenticeship Training Council defines electrical construction workers as those who are "electrically wiring single family homes, duplexes, commercial buildings, high-

rise complexes, hospitals, schools, large factories, industries, even the huge electrical power generating plants that provide electric energy." Jobs within the electrical trades include both new construction and electrical maintenance and service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**Chapter 17. U.S. Electrical Construction Industry Trades Skill Standards and Certification**

**§1701. Safety**

A. General Jobsite Safety Awareness:

1. list reasons why safety is important;
2. identify key factors involved with safe work practices;
3. develop respect for electricity:
  - a. be aware of dangers of shock;
  - b. describe locations of potential shock hazards;
  - c. demonstrate use of no contact voltage indicators and other devices to determine if system is energized;
  - d. demonstrate techniques for working on energized circuits;
4. identify on the job hazards created by poor housekeeping;
5. maintain safe work area and tool usage;
6. be aware of the dangers of falling objects;
7. respect and obey job safety.

B. Emergency Procedures:

1. first aide training;
  - a. general;
  - b. electrical shock situations;
2. CPR;
3. means to effect emergency rescues.

C. Compliance with OSHA and EPA Regulations:

1. attend and/or conduct regular safety meetings;
2. perform general OSHA requirements on the jobsite;
3. practice guidelines for OSHA Assured Equipment Grounding and GFCI usage;
4. use material safety data sheets (MSDS) to identify and properly handle hazardous materials (e.g., cleaning fluids, transformer oils).

D. Substance Abuse:

1. identify kinds and effects of drugs;
2. identify and explain situations concerning substance abuse;
3. identify sources of information and help.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1703. Tools, Materials and Handling**

A. Proper Tool Management:

1. identify common hand and power tools;
2. proper selection and application of hand tools;
3. proper selection and application of power tools;
4. proper care for tools;
5. safe techniques for using ladders;
6. defects that make tools unsafe to use;
7. use of meters to take readings

B. Proper Rigging Methods:

1. proper knots;
2. proper techniques for rigging and hoisting;
3. safe capacities for lifting arrangements.

C. Proper Digging Techniques:

1. depth and shape of holes for supporting poles;
2. proper techniques for digging, grading and leveling trenches for the installation of duct work.

D. Proper Use of Motorized Tools (Use of platform lifts, bucket truck, and truck mounted cranes)

E. Proper Material Management:

1. identify commonly used materials by name;
2. proper selection and application of materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1705. Math**

A. Appropriate Mathematical Calculations to Solve for Unknowns:

1. arithmetic cooperators;
2. solving word problems;
3. problems involving fractions;
4. reducing fractions to lowest terms;
5. converting decimals to fractions and back;
6. angles and sides of triangles;
7. unknown angles and sides of triangle;
8. metric prefixes and converting different prefixes;
9. using powers of ten to perform math functions;
10. converting from English to metric measurement systems;
11. algebraic formulas ;
12. square roots;
13. ratio, percentages, and proportion;
14. problems using direct and inverse relationships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1707. Electrical Theory**

A. Basic Electrical Theory:

1. define terms, units of measure;
2. electron flow;
3. producing electrical current;
4. products (effects) of electrical current.

B. Ohm's Law, Kirchoff's Laws, Lenz's Law, Thevenin's And Nortons' Theorems

C. Series Circuits:

1. components;
2. resistance of circuits;
3. total resistance;
4. effects of changing voltage and resistance;
5. law of proportion for series voltage divider circuits;
6. power used in circuits:
  - a. by components;
  - b. wasted powers.

D. Parallel Circuits

1. components;
2. differences between series and parallel circuits;
3. Ohm's Law;
4. circuits;
5. total resistance using product-sum and reciprocal methods;
6. alternate current paths;
7. currents ;
8. law of proportion;
9. power requirements of components.

E. Combination Circuits:

1. combination circuits;
2. components;
3. equivalent resistance;
4. alternate current paths;
5. Ohm's Law;
6. power use and dissipation.

F. Characteristics of Voltages in Circuits:

1. polarity and flow of electrons;
2. distribution and voltage drops;
3. proper wire size needed to lower losses.

G. Characteristics of Magnetism/Electromagnetism

H. Theory of Superposition and Solving for Multiple Voltage Source Circuits

I. Operation and Characteristics of Three Wire Systems

J. Operation and Characteristics of Three Phase Systems:

1. identify differences between three wire single phase and three phase circuits;
2. identify differences between voltage drop and power loss.

K. AC Theory:

1. terms associated with AC theory;
2. currents and voltages for components and circuits;
3. conductor size using NEC;
4. current and voltage sine waves to demonstrate phase relationship;
5. maximum, effective (rms), average, and peak-to-peak voltage and current;
6. inductance:
  - a. factors that affect inductance;

- b. behavior of current when inductance is present;
- c. relationship between current, applied voltage, and counter electromotive force;
- d. inductive reactance when frequency and inductance are known;
- e. inductance, inductive reactance, and unknowns in various circuits;
- 7. capacitance:
  - a. effects on circuits of capacitance;
  - b. capacitance, capacitive reactance, and frequency;
- 8. relationships and behaviors of the following circuits:
  - a. series RL;
  - b. parallel RL;
  - c. series RC;
  - d. parallel RC;
  - e. series LC;
  - f. parallel LC;
  - g. series LCR; and
  - h. parallel LCR
- 9. function, operation and characteristics of rectifiers;
  - a. actions of full-wave and half-wave rectifiers;
  - b. schematics;
- 10. series resonance, parallel resonance and circuits;
- 11. filters;
- 12. power factor;
  - a. watts, vars and volt-amperes;
  - b. reactive power;
  - c. proper placement of power factor correction capacitors;
  - d. procedure to recognize and correct poor power factor arrangements;
- 13. power quality issues:
  - a. causes of poor power quality;
  - b. the effects of harmonics;
  - c. locating harmonics through observation and test equipment;
  - d. techniques to reduce or eliminate effects of harmonics.
- L. Use of Electronics:
  - 1. electron flow through solid-state components;
  - 2. precautions against electrostatic discharges around semiconductor devices;
  - 3. functions, operation and characteristics of diodes and zener diodes:
    - a. characteristic curves;
    - b. testing Procedures;
    - c. schematics including diodes;
  - 4. functions, operation and characteristics of transducers:
    - a. operation of transducers;
    - b. schematics including transducers;
  - 5. functions, operation and characteristics of various types of transistors (diacs, triacs, SCRs, etc.):
    - a. operation of transistors;
    - b. current and voltage values;
    - c. testing procedures;
    - d. schematics including transistors;
  - 6. functions, operations, characteristics and circuit configurations of amplifiers:
    - a. basic circuit configurations for various types of amplifiers;

- 7. functions, operations and characteristics of integrated circuits (ICs):
  - a. schematics of and including ICs;
  - b. information on data sheets for integrated circuits;
- 8. functions, operations and characteristics of three main categories of photo-operated devices;
- 9. digital and logic circuits:
  - a. terms associated with digital and logic circuits;
  - b. types of circuits;
  - c. the operative symbols for AND, OR, NOT operations;
  - d. the use of Boolean Algebra equations, laws, operations and theorems;
  - e. truth tables from Boolean equations and digital switching circuits;
  - f. gate functions and gate circuits;
  - g. BUFFER and INVERTER amplifiers and accompanying truth tables;
  - h. operation and characteristics of NAND and NOR logic and accompanying truth tables;
  - i. operation and characteristics of XOR and XNOR logic and accompanying truth tables;
  - j. positive and negative logic and its effect on gate operation;
  - k. digital logic equivalent circuits;
  - l. various optoelectronic devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

#### §1709. Code Requirements

- A. National Electrical Code and Local Codes:
  - 1. purpose and intent of electrical codes;
  - 2. scope of NEC and local codes;
  - 3. how local codes may differ from NEC;
  - 4. utilizing code book:
    - a. mandatory rules;
    - b. fine print rules;
    - c. "neat and workmanlike"
    - d. locate definitions;
    - e. interpretations;
    - f. recognize and use exceptions;
    - g. materials recognized by the NEC;
    - h. identify code markings;
    - i. distinguish wet, damp and dry locations;
    - j. determine if specific installations are acceptable to the Code;
    - k. requirements for special occupancies and special equipment;
      - 1. answer specific questions;
  - 5. use NEC to calculate various general job requirements:
    - a. service conductors, feeders, branch circuits;
    - b. permissible loads on various circuits;
    - c. allowable cable tray fills;
    - d. ampacity of various conductors and fill situations;
    - e. ampacity of various circuits and load types;
    - f. overload protection for motors, equipment and phase converters;
    - g. minimum ampacity for motor disconnecting means;

- h. horsepower ratings for motors and disconnecting means;
- i. grounding requirements;
- 6. use NEC for hazardous locations:
  - a. hazardous locations by Class;
  - b. equipment and wiring methods necessary for particular hazardous locations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1711. Conductors

- A. Various Types of Conductors:
  - 1. types of conductors and insulators;
  - 2. why some materials are better conductors or insulators than others;
  - 3. effect of heat on insulators;
  - 4. sizing and typing of conductors:
    - a. use letter symbols to identify insulator types;
    - b. use American Wire Gauge chart and convert inches, mils, square mils, and circular mils from one to the other;
  - 5. differences between aluminum and copper conductors;
  - 6. properties of high voltage cable;
  - 7. effects of soil conditions on underground cable.
- B. Conductor Installation Techniques:
  - 1. different wiring methods for particular conductors and situations:
    - a. wire connectors;
    - b. types, installation, limitations;
  - 2. different methods of installing conductors in conduits, raceways and cable trays:
    - a. problems which may be encountered;
    - b. maximum tension allowed;
    - c. use of pulling machines to assist in installation of wire;
  - 3. proper splicing methods and techniques for various conductors and locations.
- C. Methods for Selecting Conductors:
  - 1. using Code to determine type of conductor to use in particular situation;
  - 2. using mathematical calculations to determine current carrying capacity of conductors;
  - 3. calculating or selecting cable ampacity from NEC tables;
  - 4. loads for sizing conductors;
  - 5. code requirements depending on types of circuits and loads (lighting, appliance, heating, service entrance).
- D. Cable Fault Situations:
  - 1. the types and causes of cable faults;
  - 2. methods and equipment for locating cable faults, including terminal, tracing and magnetic detection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1713. Conduit, Raceways, Panelboards and Switchboards

- A. Terms Associated with Conduits and Raceways
- B. Conduit and Wiring Support Systems Recognized by Code:

- 1. select appropriate conduit type;
- 2. select and utilize appropriate connectors;
- 3. select and utilize appropriate fastening devices and reinforcements;
- 4. special considerations.

#### C Procedures for Laying out Various Types of Bends:

- 1. take-up and gain;
- 2. kicks and offsets;
- 3. calculate degrees;
- 4. back-to-back bends;
- 5. determine overall length of conduit for specific situations;
- 6. locating bending points;
- 7. four techniques for segment bending;
- 8. techniques and operations for making concentric bends;
- 9. radius of circle.

#### D. Procedures for Making Bends when Fabricating Conduits:

- 1. hand benders to make on small diameter conduit;
- 2. power benders to make bends on larger diameter pipe:
  - a. make offset using "constants" or "shrink" methods;
  - b. make bends in proper sequence, direction and with necessary accuracy.

#### E. Fabricating Raceways and Wiring Support Systems

#### F. Cable Assembly Wiring Method Recognized By The Code:

- 1. installation of panels;
- 2. installation of components;
- 3. wiring and connections;
- 4. special considerations and occupancies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1715. Lighting Systems

#### A. Function, Operation, and Characteristics of Various Lighting Systems:

- 1. incandescent;
- 2. florescent;
- 3. HID;
- 4. low voltage.

#### B. Lighting Distribution and Layout

#### C. Installation and Connection of Fixtures

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1717. Overcurrent Devices

#### A. Function, Operation, and Characteristics of Overcurrent Protection Devices:

1. purpose and location of devices;
2. three considerations necessary for electrical component protection;
3. interrupting ratings;
4. short circuit currents;
5. overload and overcurrent situations;
6. 10 and 25 foot tap rules;
7. operation and application of fuses:
  - a. dingle element and time delay;
  - b. the effects of heat;
8. operation and application of various types of circuit breakers (e.g., molded case, air break);
9. utilize Peak-Let-Thru charts and table;
10. function, operation, and characteristics of ground fault circuit interrupters;
11. function, operation, and characteristics of surge protectors;
12. appropriate devices for situation and according to Code.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1719. Grounding Systems

A. Function, Operation and Characteristics of Grounding Systems:

1. reasons for grounding systems;
2. general types of faults;
3. grounding electrode systems.

B. Sizing, Layout and Installation of Grounding Systems:

1. NEC requirements and interpretations;
2. size of conductors and electrodes;
3. installation of electrodes;
4. installation of conductors and connections to electrodes;
5. the impact of soil conditions on earth grounding systems and equipment;
6. principles and procedures of earth resistance testing;
7. determine when ground fault protection is required.

C. Difference between Insulation, Isolation, and Elevation

D. Difference between Grounding, Grounded, and Bonding

E. Special Circumstances:

1. systems over 1,000 volts;
2. separately derived systems;
3. buildings sharing service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1721. Prints and Specifications

A. Creation of Blueprints, Plans, and Specifications:

1. utilize symbols used in electrical and related trades;
2. recognize functions of basic line types;
3. identify drawing tools and techniques:
  - a. orthographic views;
  - b. types of projections;
  - c. drafting scales;

4. recognize and apply dimensions;
5. prepare "as-built" drawings;
6. differences between wiring diagrams, line drawings, schematics and ladder diagrams:
  - a. given schematics complete wiring diagrams;
  - b. given panels and equipment layouts create drawings showing conduits and conductors using appropriate scale.

B. Use of Blueprints, Plans, and Specifications:

1. recognize function of various types of plots, sections, details, schedules, specification sheets, addenda, and revisions;

2. determine devices, locations, quantities, feeds, conduit types and sizes and conductor sizes:

- a. parts of the electrical service;
- b. identifying special purpose outlets and the loads they serve;
- c. completing take-off sheets for ordering material;
- d. determine costs for jobs;
- e. how costs affect job;

3. interpret non-electrical dimensions and considerations;

4. relationships between architectural considerations and electrical installations;

5. correlate information from other trades plans with electrical plans to determine potential conflicts.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §1723. Motors, Motor Controllers and Process Controllers

A. Function, Operation, and Characteristics of Various Types of Motors (AC, DC, Dual Voltage, Repulsion, Universal, 3-Phase, Squirrel Cage, Synchronous):

1. physical parts of various motors;
2. utilize information sheets, plans, schematics, and motor nameplates to gain information;
3. motor losses;
4. starting and operating characteristics;
5. methods to identify windings in DC motors;
6. means for providing for field failure, current limit, voltage and speed control;
7. block diagrams to demonstrate power supplies, armature, field and control features;
8. torque, locked rotor current, no-load speed, and slip;
9. reasons for low-voltage starting;
10. function, operation, and characteristics of stepping motors.

B. Proper Techniques for Motor Installations:

1. necessary calculations for electrical requirements per Code;
2. correct power factor;
3. proper wire type and size;
4. appropriate connections;
5. how various motors can be made to run at different speed or in reverse direction:
  - a. schematics;
  - b. connections to reverse or change speeds;

6. identify unmarked motor leads;
7. steps for proper handling of motors:
  - a. checks for mechanical defects;
  - b. factors to be checked when a motor arrives at jobsite;
  - c. methods for putting motor into storage.

C. Function, Operation, and Characteristics of Motor Controllers, Circuits and Devices:

1. ways and means of starting and stopping motors;
2. operation of magnetic coil;
3. use of magnetic starters and controllers;
4. correct sizing of magnetic starters and controllers;
5. difference between starters and controllers;
6. function, operation, and characteristics of overload protective devices:
  - a. thermal overload;
  - b. magnetic overload;
7. schematics for various control circuits;
8. two-wire control circuits;
9. three-wire control circuits;
10. interlocking methods;
11. reversing and sequential controllers;
12. jogging, inching, plugging;
13. multiple start-stop controls and selector switches;
14. phase failure relays;
15. various manual and automatic speed control techniques;
16. function, operation, and characteristics of variable frequency drives;
17. function, operation, characteristics, and installation procedures for programmable logic controls:
  - a. function of central processing unit;
  - b. memory types and sizes;
  - c. user and storage memory;
  - d. back-up batteries;
  - e. peripheral devices;

18. ladder diagrams;
19. function, operation, and characteristics of timers, counters, sequencers;
20. utilize appropriate manuals and information for start-up, maintenance and testing;
21. utilize schematics for manual starters, automatic starters, speed regulators and controllers.

D. Function, Operation, and Characteristics of Switches and Relays:

1. schematics including switches and relays;
2. installation and connection methods for various switch types;
3. installation and connection methods for various relays;
4. function, operation, and characteristics of electronic sensor and pilot devices;
5. function, operation, and characteristics of control transformers:

- a. leads of control transformers;
- b. proper sizing of control transformers.

E. Mechanical Connections to Utilize Motors:

1. operation of mechanical clutches and magnetic drives;
2. direct and offset drives;
3. proper pulley sizes required.

- F. Process Control System and Devices:
1. operating requirements followed by manual and automatic controllers;
  2. function, operation, characteristics, and installation of:

- a. closed loop and open loop systems;
- b. feedback control;
- c. proportional control;
- d. integral control;
- e. derivative control;
3. block diagrams including control systems and devices;
4. function, operation, and characteristics of sensors and transmitters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1725. Generators and Power Supplies**

- A. Principles of Electromotive Force
- B. Principles of Generating Electricity:
  1. the parts, functions, operation, and characteristics of the AC generator;
  2. the parts, functions, operation, and characteristics of the DC generator;
  3. the "left hand rule" for generators;
  4. RPM, frequency and number of poles in a given generator;
  5. three-phase generation;
  6. wye and delta windings;
  7. three-phase sine wave.

C. Types and Configurations of Uninterruptible Power Supplies (Ups)

D. Types and Configurations of Battery Systems Used for Ups Systems

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1727. Transformers**

A. Function, Operation, and Characteristics of Transformers:

1. electrical principles involved in transformer operation;
2. transformer classifications and applications;
3. transformer losses;
4. ratios for voltage and amperage with respect to turns.

B. Selection and Installation of Transformers:

1. nameplate information;
2. techniques for sizing transformers (one and three phase);
3. determining if given transformer meets voltage, current, and impedance requirements;
4. calculating voltages and currents for load and windings;
5. determining whether to use wye or delta wiring schemes;
6. steps for receiving and preparing transformer for installation;
7. necessary tests to assure proper operation;

8. proper techniques for connecting power and load conductors;
9. methods for determining proper types and values of electrical protective devices;
10. proper grounding procedures.

C. Distribution Systems:

1. functions, operations, and characteristics of various types of distribution systems;
2. criteria for selecting particular type of distribution system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1729. Personal Development**

A. Orientation

1. Make up and organization of the industry:
  - a. jobsite chain of command;
    - i. owner/customer;
    - ii. architects/engineers;
    - iii. inspection authorities;
    - iv. construction managers;
    - v. general contractors;
    - vi. other contractors.

2. Organizations within industry:

- a. manufacturers;
- b. distributors;
- c. associations;
- d. unions.

B. Methods of working with others:

1. the three basic theories of motivation;
2. need levels of humans;
3. the role of supervisors:
  - a. leadership styles appropriate to certain situations;
  - b. need for competent supervisors;
4. effective communications:
  - a. importance of communications in the industry and on the job;
  - b. barriers to communications;
  - c. keys to effective communications.

C. Economic considerations:

1. why worker's future is tied to employer's;
2. responsibilities to employer:
  - a. keeping skills current;
  - b. managing your future;
3. costs of doing business;
4. importance of satisfying customers;
5. impact of job performance, behavior and appearance on prospects for future work;
6. functions of marketing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1731. Jobsite Management**

- A. Coordinating Tool Needs with Offices of Other Jobs
- B. Coordinating Schedule with Other Crafts
- C. Developing Timetables and Progress Charts
- D. Completing Time Sheets, Logs and Other Necessary Documentation
- E. Clearances or Permits if Necessary

F. Inventory and Order Necessary Equipment According to Job Needs

G. Developing Alternative Solutions and Choosing the Best Alternative

H. Planning and Organizing Tasks to Meet Deadlines

I. Supervising and Monitoring Others

J. Picturing the Way the Project Will Appear When Completed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1733. Testing**

A. Steps Used for Various Testing Processes:

1. acceptance testing of cables;
2. maintenance testing of generators;
3. insulation tests using megohmmeter.

B. Utilizing the Results of Testing Procedures:

1. special requirements for high voltage testing;
2. describe potential safety hazards;
3. characteristics and properties of high voltage cable and insulators;
4. appropriate tests methods, voltages and equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§1735. Specialty Systems**

A. Fire Alarms:

1. functions, operations, and characteristics of various types of fire alarm systems and components;
2. Code requirements and use of Code to answer specific questions;
3. functions, operations, and characteristics of alarm initiating and indicating devices;
4. multiplexing of system components;
5. various types of areas and methods to protect them;
6. appropriate wiring methods and devices;
7. utilize manuals to start-up and check out systems;
8. utilize proper manuals and techniques for system maintenance and troubleshooting.

B. Security Alarms:

1. functions, operations, and characteristics of various types of security systems and components;
2. Code requirements and use of Code to answer specific questions;
3. functions, operations, and characteristics of alarm initiating and indicating devices;
4. multiplexing of system components;
5. various types of areas and methods to protect them;
6. appropriate wiring methods and devices;
7. utilize manuals to start-up and check out systems;
8. utilize proper manuals and techniques for system maintenance and troubleshooting.

C. Voice, Data, TV, Signaling Systems:

1. functions, operations, and characteristics of various types of voice, data, TV, and signaling systems;
2. proper cabling systems required for various systems (telephone, data, Local Area Networks, etc.);
3. installation and connection techniques for cables and devices;

4. how cable defects and installation errors can degrade data transfer;

5. utilize manuals to install, test and start-up and check out systems;

6. utilize proper manuals and techniques for system maintenance and troubleshooting.

**D. Lightning Protection Systems:**

1. functions, operations, and characteristics of lightning protection systems;

2. the sizing, layout and installation of lightning protection systems;

3. NEC requirements and interpretations;

4. size of conductors and electrodes;

5. installation of electrodes;

6. installation of conductors and connections to electrodes.

**E. Fiber Optic Systems:**

1. functions, operations, and characteristics of fiber optic cable;

2. proper installation techniques:

a. minimum bend radius;

b. pulling techniques;

c. installation hardware;

d. splicing and termination;

3. utilize appropriate manuals and equipment to perform system tests and troubleshooting.

**F. Heating, Air Conditioning and Refrigeration:**

1. functions, operations, and characteristics of heating, air conditioning and refrigeration systems and components;

2. the characteristics of heat energy, transfer, and measurement;

3. space and process heating;

4. the properties and characteristics of refrigerants;

5. the appropriate piping techniques for refrigerants;

6. utilize appropriate manuals and equipment to perform system tests and troubleshooting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**Chapter 19. National Skill Standards**

**§1901. Competencies, Foundation Skills, and Academic Cross-References**

A. Standard 1: Explain the importance of safety and demonstrate safe practices in all electrical work.

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
<b>I. GENERAL JOBSITE SAFETY AWARENESS</b>		I-A	<b>English Language Arts (ELA)</b>
A. Explain the importance of safety and the key factors involved in safe work practice.	1, 3, 4, 5	I-A1, IA2	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
B. Explain the dangers of electrical shock, describe potential shock hazard situations, use no contact voltage indicators and other devices to determine if the system is energized and demonstrate proper techniques for working on energized circuits.	1, 2, 3, 4	I-A3	
C. Identify and correct hazards created by poor housekeeping.	1, 5	I-A4	<b>Mathematics</b>
D. Maintain a safe work area and tools.	1, 4	I-A5	N-1H, 2H, 3H, 4H, 5H, 6H, 7H
E. Explain the dangers of falling objects.	1, 4	I-A6	A-1H, 2H, 3H, 4H
F. Demonstrate respect and observance job safety rules.	1, 4, 5	I-A7	M-1H, 2H, 3H, 4H D-7H, 9H
<b>II. EMERGENCY PROCEDURES</b>		I-B	G-1H, 2H, 3H, 4H, 5H, 6H
A. Demonstrate competency in first aid training, particularly in the area of electrical shock.	1, 4, 5	I-B1	<b>Social Studies</b>
B. Demonstrate proper CPR procedures.	1, 4, 5	I-B2	G-1D-H1, 1D-H2, 1D-H4
C. Explain the means to effect emergency rescues.	1, 4	I-B3	C-1A-H1, 1A-H5
<b>III. COMPLIANCE WITH OSHA AND EPA REGULATIONS</b>		I-C	E-1A-H1, 1A-H2, 1A-H3, 1A-H6
A. Participate in/conduct a regular safety meeting.	1, 2, 5	I-C1	1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
B. Explain the general OSHA jobsite requirements.	1, 4	I-C2	<b>Science</b>
C. Explain and apply the guidelines for OSHA Assured Equipment Grounding and CFCI usage.	1, 2, 4	I-C3	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1
D. Use material safety data sheets (MSDS) to identify and properly handle hazardous.	1, 2, 4	I-C4	SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3,D4, D5, D6
<b>IV. SUBSTANCE ABUSE</b>		I-D	
A. Identify common drugs and explain their effects.	1, 4	I-D1	
B. Identify the indicators of and explain how to handle substance abuse.	1, 4	I-D2	
C. Identify substance abuse sources of information and assistance.	1, 3, 4	I-D3	

B. Standard 2: Select and use appropriate tools and materials on the job.

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. GENERAL JOBSITE SAFETY AWARENESS		II-A	English Language Arts (ELA)
A. Select, use, and care for common hand and power tools.	1, 2	II-A1-4	ELA 1-H1, H3, H4, H5
B. Demonstrate ladder safety.	1, 2	II-A5	ELA 2-H2, H3
C. Explain tool defects.	1, 2, 3, 4	II-A6	ELA 3-H2, H3
D. Use various meters to read variables.	1, 2	II-A7	ELA 4-H1, H2, H3, H4, H5, H6
II. PROPER RIGGING METHODS		II-B	ELA 5-H1, H2, H3, H6
A. Explain the use of knots in electrical work and demonstrate knot making.	1, 2, 3	II-B1	ELA 7-H1, H2 Mathematics
B. Apply proper techniques for rigging and hoisting.	1, 2, 3	II-B2	N-1H, 2H, 3H, 4H, 5H, 6H, 7H
C. Explain the safe capacities for various lifting arrangements.	1, 2, 3	II-B3	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H
III. PROPER DIGGING TECHNIQUES			G-1H, 2H, 3H, 4H, 5H, 6H Social Studies
A. Explain the determination of depth and shape of holes for supporting poles.	1, 2, 3	II-C	G-1D-H1, 1D-H2, 1D-H4
B. Explain the proper techniques for digging, grading and leveling trenches for ductwork.	1, 2, 3	II-C1	C-1A-H1, 1A-H5
IV. EXPLAIN THE USE OF MOTORIZED TOOLS IN ELECTRICAL WORK	1, 2, 3	II-C2	E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
V. PROPER MATERIAL MANAGEMENT			Science
A. Identify the materials commonly used in electrical work.	1, 2, 3	II-D	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5
B. Explain materials sections in terms of application.	1, 2, 3	II-E	ESS-H-A1
		II-E1	SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
		II-E2	

C. Standard 3: Perform mathematical computation common to the electrical trade.

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. APPLY ARITHMETIC OPERATIONS TO SOLVE ELECTRICAL PROBLEMS.	1, 2, 3	III-1-5, 9	English Language Arts (ELA)
II. SOLVE PROBLEMS AND DETERMINE THE ANGLES AND SIDES OF TRIANGLES.	1, 2, 3	III-6-7	ELA 1-H1, H3, H4, H5
III. PERFORM METRIC CALCULATIONS AND CONVERT METRIC TO THE ENGLISH SYSTEM AND VICE VERSA.	1, 2, 3	III-8, 10	ELA 2-H2, H3, H6
IV. PERFORM CALCULATIONS USING ALGEBRA TO SOLVE ELECTRICAL PROBLEMS.	1, 2, 3	III-11	ELA 3-H1, H3
V. USE SQUARE ROOT, RATIO, PERCENT, AND PROPORTION TO SOLVE PROBLEMS.	1, 2, 3	III-12-13	ELA 4-H2, H3, H4, H5, H6
VI. SOLVE PROBLEMS INVOLVING DIRECT AND INVERSE RELATIONSHIPS.	1, 2, 3	III-14	ELA 5-H1, H2, H3, H4, H5, H6
			ELA 7-H1, H2 Mathematics
			N-1H, 2H, 3H, 4H, 5H, 7H
			A-1H, 2H, 3H, 4H
			M-1H, 2H, 3H, 4H
			D-2H, 4H, 7H, 8H, 9H
			G-1H, 2H, 3H, 5H, 6H
			Social Studies
			G-1C-H2, 1D-H1, 1D-H2, 1D, H4
			E-1A-H1, 1A-H2, 1A-H3, 1A-H6
			1B-H1, 1B-H2, 1B-H4, 1B-H4, 1B-H6
			Science
			PS-H-B1, PS-H-E1, PS-H-F1, PS-H-F2, PS-H-G2, PS-H-G3, PS-H-G4, SE-H-D2, SE-H-D6

D. Standard 4: Apply electrical theory in designing, construction, and trouble-diagnosing electrical circuits.

Benchmarks		Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I.	BASIC ELECTRICAL THEORY			English Language Arts (ELA)
	A. Define the terms associated with electrical theory.	1, 2, 3	IV-A	ELA 1-H1, H3, H4, H5
	B. Explain the generation of electricity.	1, 2, 3	IV-A-1	ELA 2-H2, H3
	C. Explain the utilization of electricity.	1, 2, 3	IV-A-2, 3	ELA 3-H2, H3
II.	OHM'S LAW, KIRCHOFF'S LAW, LENZ'S LAW, THEVENIN'S AND NORTON'S THEOREMS		IV-A-4	ELA 4-H1, H2, H3, H4, H5, H6
	A. Explain the use of laws and theorems in electrical work.	1, 2, 3	IV-B	ELA 5-H1, H2, H3, H6
	B. Solve problems involving the electrical laws and theories.	1, 2, 3	I	ELA 7-H1, H2
III.	SERIES CIRCUITS			Mathematics
	A. Explain the operation and construction of series circuits.	1, 2, 3	V-B-1	N-1H, 2H, 3H, 4H, 5H, 6H, 7H
	B. Calculate resistance and total resistance in series circuits.	1, 2, 3	IV-B-2	A-1H, 2H, 3H, 4H
	C. Explain the effects of charging voltage and resistance.	1, 2, 3	IV-C	M-1H, 2H, 3H, 4H
	D. Explain the law of proportion series voltage divider circuits.	1, 2, 3	IV-C-1	D-7H, 9H
	E. Calculate power in series circuits.	1, 2, 3	IV-C-2, 3	G-1H, 2H, 3H, 4H, 5H, 6H
IV.	PARALLEL CIRCUITS			Social Studies
	A. Explain the construction and operation of parallel circuits.	1, 2, 3	IV-C-4	G-1D-H1, 1D-H2, 1D-H4
	B. Explain the differences between series and parallel circuits.	1, 2, 3	IV-C-5	C-1A-H1, 1A-H5
	C. Calculate Ohm's Law for parallel circuits.	1, 2, 3	IV-C-6	E-1A-H1, 1A-H2, 1A-H3, 1A-H6
	D. Calculate total resistance in parallel circuits.	1, 2, 3	IV-D	1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
	E. Explain current/alternative current paths.	1, 2, 3	IV-D-1, 4	Science
	F. Explain the law of proportion.	1, 2, 3	IV-D-2	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5
	G. Calculate power requirements of components.	1, 2, 3	IV-D-3	ESS-H-A1
V.	COMBINATION CIRCUITS			SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
	A. Explain the operation and construction of combination circuits.	1, 2, 3	IV-D-4	
	B. Calculate equivalent resistance.	1, 2, 3	IV-D-5	
	C. Explain alternate current paths.	1, 2, 3	IV-D-6, 7	
	D. Calculate Ohm's Law.	1, 2, 3	IV-D-8	
	E. Explain power use and dissipation.	1, 2, 3	IV-D-9	
VI.	CHARACTERISTICS OF VOLTAGES IN CIRCUITS			
	A. Explain polarity and the flow of electrons.	1, 2, 3	IV-E	
	B. Explain distribution, calculate voltage drop, and determine wire size to reduce losses.	1, 2, 3	IV-E-1, 2	
VII.	EXPLAIN THE CHARACTERISTICS OF MAGNETISM/ELECTROMAGNETISM.	1, 2, 3	IV-E-3	
VIII.	EXPLAIN THE THEORY OF SUPERPOSITION AND SOLVING MULTIPLE VOLTAGE SOURCE CIRCUITS.	1, 2, 3	IV-E-4	
IX.	EXPLAIN THE OPERATION AND CHARACTERISTICS OF THREE WIRE SYSTEMS.	1, 2, 3	IV-E-5	
X.	EXPLAIN THE OPERATION AND CHARACTERISTICS OF THREE PHASE SYSTEMS.	1, 2, 3	IV-E-6	
	A. Explain the differences between and construct three wire and three phase circuits.	1, 2, 3	IV-F	
	B. Calculate voltage drop and power loss.	1, 4	IV-F-1	
XI.	AC THEORY			
	A. Define terms associated with AC theory.	1, 4	IV-F-2, 3	
	B. Calculate currents and voltages for components and circuits.	2, 3	IV-G	
			IV-H	
			IV-I	
			IV-J	
			IV-J-1	
			IV-J-2	
			IV-K	
			IV-K-1	
			IV-K-2	

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
C. Determine conductor size using the NEC.	2, 3	IV-K-3	
D. Generate current voltage sine waves to demonstrate phase relationships.	2, 3	IV-K-4	
E. Define maximum, effective (rms), average, and peak-to-peak voltage and current.	2, 3	IV-K-5	
F. Define inductance.	2, 4	IV-K-6	
1. Explain factors that affect inductance.	3	IV-K-6a	
2. Explain the behavior of current when inductance is present.	3, 4	IV-K-6b	
3. Explain the relationship between current, applied voltage, and counter electromotive force.	2, 4	IV-K-6c	
4. Calculate inductive reactance when frequency and inductance are known.	2, 3, 4	IV-K-6d	
5. Calculate inductance, inductive reactance, and unknowns in various circuits.	2, 3, 4	IV-K-6e	
G. Define capacitance.	2, 3, 4	IV-K-7	
1. Explain the effects on circuits of capacitance.	2, 3, 4	IV-K-7a	
2. Explain the relationships between capacitance, capacitive reactance, and frequency.	2, 3, 4	IV-K-7b	
H. Explain the relationships and behaviors of series RL, parallel RL, series RC, parallel RC, series LC, parallel LC, series LCR and parallel LCR circuits.	2, 3, 4	IV-K-8	
I. Explain the function, operation, and characteristics of rectifiers.	2, 3, 4	IV-K-9	
1. Explain the actions of full wave and half rectifiers.	2, 4	IV-K-9a	
2. Interpret schematics.	2, 4	IV-K-9b	
J. Explain the series resonance, parallel resonance and circuits.	2, 4	IV-K-10	
K. Explain the use of filters in electrical circuits.	2, 4	IV-K-11	
L. Define power factor.	2, 3, 4	IV-K-12	
1. Calculate watts, vars and volt-amperes.	2, 3, 4	IV-K-12a	
2. Explain reactive power.	2, 4	IV-K-12b	
3. Explain the proper placement of power factor correction capacitors.	2, 4	IV-K-12c	
4. Explain the procedure to recognize and correct poor power factor arrangements.	2, 3, 4	IV-K-12d	
M. Define power quality.	2, 4	V-K-13	
1. Explain causes of poor power quality.	2, 3, 4	IV-K-13a	
2. Explain the effects of harmonics.	2, 4	IV-K-13b	
3. Explain the procedure of locating harmonics through observation and test equipment.	2, 3, 4	IV-K-13c	
4. Explain techniques to reduce or eliminate effects of harmonics.	2, 3, 4	IV-K-13d	

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
XII. USE OF ELECTRONICS		V-L	
A. Explain electron flow through solid-state components.	2, 4	IV-L-1	
B. Explain precautions to be taken against electrostatic discharges around semiconductor devices.	2, 4	IV-L-2	
C. Explain the functions, operations, characteristics, and testing of diodes.	2, 4	IV-L-3	
D. Explain the functions, operations, and characteristics of transducers.	2, 4	IV-L-4	
E. Explain the functions, operations, characteristics, and testing of various types of transistors (diacs, triacs, SCRs, etc.).	2, 3, 4	IV-L-5	
F. Explain the functions, operations, characteristics, and circuit configurations of amplifiers.	2, 4	IV-L-6	
G. Explain the functions, operations, and characteristics of integrated circuits (ICs).	2, 4	IV-L-7	
H. Explain the functions, operations, and characteristics of the three main categories of photo-operated devices.	2, 4	IV-L-8	
I. Explain the construction and operation of digital and logic circuits.	2, 4	IV-L-9	

E. Standard 5: Explain and apply code requirements.

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. EXPLAIN THE PURPOSE AND INTENT OF ELECTRICAL CODES.	1, 2, 3, 4, 5	V-1	English Language Arts (ELA) ELA 1-H1, H3, H4, H5
II. EXPLAIN THE SCOPE OF THE NATIONAL ELECTRIC CODE (NEC) AND LOCAL CODES.	1, 2, 3, 4, 5	V-2	ELA 2-H2, H3 ELA 3-H2, H3
III. EXPLAIN AND PROVIDE EXAMPLES OF HOW LOCAL CODES MAY DIFFER FROM THE NEC.	1, 2, 3, 4, 5	V-3	ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
IV. EXPLAIN THE ORGANIZATION AND STRUCTURE OF THE NEC.	1, 2, 3, 4, 5	V-4	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H
V. USE THE NEC TO CALCULATE VARIOUS GENERAL JOB REQUIREMENTS.	1, 2, 3, 4, 5	V-5	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
VI. APPLY NEC REQUIREMENTS FOR HAZARDOUS LOCATIONS.	1, 2, 3, 4, 5	V-6	D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

F. Standard 6: Select and Install Conductors

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. TYPES OF CONDUCTORS		VI-A	English Language Arts (ELA)
A. Explain the use of the various types of conductors and insulators.	1, 2, 3	VI-A-1	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3
B. Identify the common conductors materials and explain their advantages and disadvantages.	1, 2, 3	VI-A-2, 5	ELA 4-H1, H2, H3, H4, H5, H6
C. Explain the effects of heat on insulators.	1, 2, 3	VI-A-3	ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
D. Determine the appropriate type and size of conductors for various jobs.	1, 2, 3	VI-A-4	Mathematics
E. Explain the properties of high voltage cable.	1, 2, 3	VI-A-6	N-1H, 2H, 3H, 4H, 5H, 6H, 7H
F. Explain the effects of varying soil conditions on underground cable.	1, 2, 3	VI-A-7	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H
II. CONDUCTOR INSTALLATION TECHNIQUES		VI-B	
A. Explain various wiring methods for particular types of conductors and situations.	1, 2, 3	VI-B-1	G-1H, 2H, 3H, 4H, 5H, 6H Social Studies
B. Demonstrate different methods of installing conductors in conduits, raceways and cable trays.	1, 2, 3	VI-B-2	G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5
C. Demonstrate proper splicing methods and techniques for various conductors and locations.	1, 2, 3	VI-B-3	E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
III. METHODS FOR SELECTING CONDUCTORS		VI-C	Science
A. Use code requirements to determine the appropriate conductor selection for various jobs.	1, 2, 3	VI-C-1	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1
B. Perform mathematical calculation to determine current capacity of conductors.	1, 2, 3	VI-C-2	SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
C. Calculate or select cable ampacity from NEC tables.	1, 2, 3	VI-C-3	
D. Determine loads for sizing conductors.	1, 2, 3	VI-C-4	
E. Interpret code requirements for various types of circuits and loads (lighting, appliance, heating, service entrance).	1, 2, 3	VI-C-5	
IV. CABLE FAULT SITUATIONS		VI-D	
A. Explain the various types of cable faults and their cause.	1, 2, 3	VI-D-1	
B. Explain the various methods and equipment used to determine cable faults.	1, 2, 3	VI-D-2	

G. Standard 7: Install Conduct, Raceways, Panelboards and Switchboards

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. DEFINE THE TERMS ASSOCIATED WITH CONDUCTS AND RACEWAYS	1, 2, 3, 4	VII-A	English Language Arts (ELA) ELA 1-H1, H3, H4, H5
II. CONDUCT AND WIRING SUPPORT SYSTEMS RECOGNIZED BY CODE	1, 2, 3	VII-B	ELA 2-H2, H3
A. Select appropriate types of conduct.	1, 2, 3	VII-B-1	ELA 3-H2, H3
B. Select and install appropriate connectors.	1, 2, 3	VII-B-2	ELA 4-H1, H2, H3, H4, H5, H6
C. Select and install appropriate fastening devices and reinforcements.	1, 2, 3	VII-B-3	ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
D. Accommodate special consideration in using conduct.	1, 2, 3	VII-B-4	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H
III. PROCEDURES FOR LAYING OUT VARIOUS TYPES OF BENDS	1, 2, 3	VII-D	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H
A. Explain take-up and gain.	1, 2, 3	VII-D-1	G-1H, 2H, 3H, 4H, 5H, 6H
B. Form kicks and offsets.	1, 2, 3	VII-D-2	Social Studies
C. Calculate degrees.	1, 2, 3	VII-D-3	G-1D-H1, 1D-H2, 1D-H4
D. Form back-to-back bends.	1, 2, 3	VII-D-4	C-1A-H1, 1A-H5
E. Calculate conduct length.	1, 2, 3	VII-D-5	E-1A-H1, 1A-H2, 1A-H3, 1A-H6
F. Locate bend points.	1, 2, 3	VII-D-6	1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
G. Demonstrate four techniques for segment bending.	1, 2, 3	VII-D-7	Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5
H. Demonstrate forming concentric bends.	1, 2, 3	VII-D-8	ESS-H-A1
I. Calculate the radius of circles.	1, 2, 3	VII-D-9	SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
IV. PROCEDURES FOR MAKING BENDS WHEN FABRICATING CONDUITS			
A. Use hand benders to make bends on small diameter conduit.	1, 2, 3	VII-D	
B. Use power benders to make bends on large diameter pipe.	1, 2, 3	VII-D-1	
V. FABRICATE RACEWAYS AND WIRING SUPPORT SYSTEMS	1, 2, 3	VII-D-2	
VI. PERFORM CABLE ASSEMBLY WIRING METHODS RECOGNIZED BY CODE	1, 2, 3, 4	VII-E	
VII. FUNCTIONS, OPERATIONS AND REQUIREMENTS FOR VARIOUS PANELBOARDS AND SWITCHGEAR	1, 2, 3	VII-F	
A. Install panels.	1, 2, 3	VII-G	
B. Install components within panels.	1, 2, 3	VII-G-1	
C. Attach wiring and connectors.	1, 2, 3	VII-G-2	
D. Explain special considerations and occupancies.	1, 2, 3	VII-G-3	
	1, 2, 3	VII-G-4	

H. Standard 8: Installing Lighting Systems

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. EXPLAIN THE FUNCTIONS, OPERATION, AND CHARACTERISTICS OF VARIOUS LIGHTING SYSTEMS			English Language Arts (ELA)
A. Install incandescent lighting systems.	1, 2, 3	VIII-A	ELA 1-H1, H3, H4, H5
B. Install florescent lighting systems.	1, 2, 3	VIII-A1-B, C	ELA 2-H2, H3
C. Install HID lighting systems.	1, 2, 3	VIII-A2-B, C	ELA 3-H2, H3
D. Install low voltage lighting systems.	1, 2, 3	VIII-A3-B, C	ELA 4-H1, H2, H3, H4, H5, H6
	1, 2, 3	VIII-A4-B, C	ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
			Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
			Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
			Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

I. Standard 9: Explain the Use of Overcurrent Protection Devices and Reform Appropriate Calculations

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. FUNCTIONS, OPERATION, AND CHARACTERISTICS OF OVERCURRENT DEVICES			English Language Arts (ELA) ELA 1-H1, H3, H4, H5 ELA 2-H1, H3, H6 ELA 3-H1, H3 ELA 4-H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H4, H5, H6 ELA 7-H1, H2
A. Explain the purpose of over-current devices and their proper placement.	1, 3, 4	IX-1	
B. Name three considerations necessary for electrical component protection.	1, 2, 3, 4	IX-2	
C. Explain interrupting ratings.	1, 3, 4	IX-3	
D. Explain short circuit currents.	1, 2, 3, 4	IX-4	Mathematics N-1H, 2H, 3H, 4H, 5H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
E. Explain overload and over current situations that might arise.	1, 3, 4	IX-5	D-2H, 4H, 7H, 8H, 9H G-1H, 2H, 3H, 5H, 6H
F. Explain the 10 and 25-foot tap rules.	1, 3, 4	IX-6	
G. Explain the operation and application of single element and time delay fuses, and the effects of heat.	1, 3, 4	IX-7	Social Studies G-1-C-H2, 1D-H1, 1D-H2, Id-H4 E-1A-H1, 1A-H2, 1A-H3, 1A-H6, 1B-H1, 1B-H2, 1B-H4, 1B-H6
H. Explain the operation and application of the various types of circuit breakers.	1, 3, 4	IX-8	
I. Explain the peak-let-thru charts and table to determine specifications.	1, 2, 3, 4	IX-9	Science PS-H-B1, PS-H-E1, PS-H-F1, PS-H-F2, PS-H-G2, PS-H-G3, PS-H-G4, SE-H-D2, SE-H-D6
J. Explain the function, operation, and characteristics of ground fault circuit interrupters.	1, 3, 4	IX-10	
K. Explain the function, operations, and characteristics of surge protectors.	1, 3, 4	IX-11	
L. Select appropriate devices for various situations according to code.	1, 3, 4	IX-12	

J. Standard 10: Installing Grounding Systems

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. FUNCTIONS, OPERATION, AND CHARACTERISTICS OF GROUNDING SYSTEMS		X-A	English Language Arts (ELA) ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
A. Explain the necessity of grounding systems.	1, 2, 3, 4	X-A-1	
B. Name and explain the general types of faults.	1, 2, 3	X-A-2	
C. Explain the operations and characteristics of grounding electrode systems.	1, 2, 3	X-A-3	
II. SIZING, LAYOUT AND INSTALLATION OF GROUNDING SYSTEMS		X-B	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
A. Explain the NEC requirements and interpretations for installing grounding systems.	1, 2, 3, 4	X-B-1	
B. Determine the size of conductors and electrodes.	1, 2, 3, 4	X-B-2	
C. Install electrodes.	1, 2, 3	X-B-3	
D. Install conductors and make connections to electrodes.	1, 2, 3	X-B-4	
E. Explain the impact of soil conditions on earth grounding systems and electrodes.	1, 2, 3	X-B-5	Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
F. Explain the principles and the procedure of earth resistance testing.	1, 2, 3	X-B-6	
G. Determine applications where ground fault protection is required.	1, 2, 3	X-B-7	Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
III. EXPLAIN THE DIFFERENCE BETWEEN INSULATION, ISOLATION, AND ELEVATION	1, 2, 3	X-C	
IV. EXPLAIN THE DIFFERENCE BETWEEN GROUNDING, GROUNDED, AND BONDING	1, 2, 3	X-D	
V. EXPLAIN SPECIAL CIRCUMSTANCES WITH GROUNDING SYSTEMS	1, 2, 3, 4	X-E	
A. Explain requirements for grounding systems over 1,000-volt capacity.	1, 2, 3, 4	X-E-1	
B. Explain grounding requirements for separately derived systems.	1, 2, 3, 4	X-E-2	
C. Explain ground requirements for buildings that share service.	1, 2, 3, 4	X-E-3	

K. Standard 11: Reading and Interpreting Prints and Specifications

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. CREATION OF BLUEPRINTS, PLANS, AND SPECIFICATIONS			English Language Arts (ELA)
A. Use electrical symbols.	1, 2, 3, 4	XI-A	ELA 1-H1, H3, H4, H5
B. Distinguish between the basic types of lines and explain their use.	1, 2, 3	XI-A-1	ELA 2-H2, H3 ELA 3-H2, H3
C. Identify drawing instruments and types of drawings.	1, 2, 3	XI-A-2	ELA 4-H1, H2, H3, H4, H5, H6
D. Take-off dimensions and use them on the job.	1, 2, 3	XI-A-3	ELA 5-H1, H2, H3, H6
E. Prepare "as-built" drawings.	1, 2, 3	XI-A-4	ELA 7-H1, H2
F. Explain the differences between wiring diagrams, line drawings, schematics, and ladder diagrams.	1, 2, 3	XI-A-5	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H
II. USE BLUEPRINTS, PLANS AND SPECIFICATIONS			
A. Explain the function of various types of plots, sections, details, schedules, specification sheets, addendums and revisions.	1, 2, 3, 4	XI-A-6 XI-B	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
B. Determine devices, locations, quantities, feeds, conduit types and sizes and conductor sizes from prints.	1, 2, 3, 4	XI-B-1	Social Studies G-1D-H1, 1D-H2, 1D-H4
C. Interpret non-electrical dimensions and considerations from prints.	1, 2, 3	XI-B-2	C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6
D. Explain the relationships between architectural considerations and electrical installation.	1, 2, 3	XI-B-3	1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
E. Correlate information from other trades plans with electrical plans to determine potential conflicts.	1, 2, 3, 4	XI-B-4 XI-B-5	Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

L. Standard 12: Explain the Function, Operation and Characteristics of the Various Motors, Motor Controllers and Process Controllers

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. FUNCTIONS, OPERATIONS, AND CHARACTERISTICS OF VARIOUS TYPES OF MOTORS			English Language Arts
A. Explain the construction and operation of various motors.	1, 3, 4	XII-A	ELA-1-H1, H3, H4, H5
B. Use information sheets, plans, schematics and motor nameplates to gather information.	1, 3, 4	XII-A-1	ELA-2-H1, H3, H6 ELA-3-H1, H3
C. Explain motor losses.	1, 3, 4	XII-A-2	ELA-4-H2, H3, H4, H5, H6
D. Describe starting and operating characteristics of motors.	1, 3, 4	XII-A-3	ELA-5-H1, H2, H3, H4, H5, H6
E. Explain methods to identify windings in DC motors.	1, 2, 3, 4	XII-A-4	ELA-7-H1, H2
F. Explain means for providing for field failure, current limit, voltage, and speed control.	1, 2, 3, 4	XII-A-5	Mathematics N-1H, 2H, 3h, 4H, 5H, 7H
G. Explain block diagrams to demonstrate power supplies, armature field and control features.	1, 3, 4	XII-A-6	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
H. Define torque, locked rotor current, no-load speed, and slip.	1, 3, 4	XII-A-7	G-1H, 2H, 3H, 5H, 6H D-2H, 4H, 7H, 8H, 9H
I. Explain reasons for low voltage starting.	1, 3, 4	XII-A-8	Social Studies G-1C-H2, 1D-H1, 1D-H2, 1D-H4
J. Explain the function, operation, and characteristics of stepping motors.	1, 3, 4	XII-A-9	E-1A-H1, 1A-H2, 1A-H3, 1A-H6, 1B-H1, 1B-H2, 1B-H4, 1B-H6
II. PROPER TECHNIQUES FOR MOTOR INSTALLATIONS			
A. Perform the necessary calculations for electrical requirements per code.	1, 3, 4	XII-A-10	Science PS-H-B1, PS-H-E1, PS-H-F1, PS-H-F2, PS-H-G2, PS-H-G3, PS-H-G4, SE-H-D2, SE-H-D6
B. Determine the correct power factor.	1, 3, 4	XII-B	
C. Select proper wire type and size.	1, 3, 4	XII-B-1	
D. Select appropriate connections.	1, 3, 4	XII-B-2	
E. Explain how various motors can be made to run at a different speed or reverse direction.	1, 2, 3, 4	XII-B-3	
F. Identify unmarked motor leads.	1, 2, 3, 4	XII-B-4	
G. Explain steps for proper handling of motors.	1, 3, 4	XII-B-5	
III. FUNCTIONS, OPERATIONS, AND CHARACTERISTICS OF MOTOR CONTROLLERS, CIRCUITS AND DEVICES			
A. Explain ways and means of starting and stopping motors.	1, 3, 4	XII-B-6	
B. Explain the operation of magnetic coil.	1, 3, 4	XII-B-7	
C. Explain the correct sizing use of magnetic starters and controllers.	1, 2, 3, 4	XII-C	
D. Explain the difference between starters and contactors.	1, 3, 4	XII-C-1	
E. Explain the function, operation, and characteristics of thermal and magnetic overload protective devices.	1, 3, 4	XII-C-2	
F. Interpret schematics for various control circuits.	1, 3, 4	XII-C-3, 4	

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)	
G. Explain the use of two wire and three wire control circuits.	1, 3, 4	XII-C-8, 9	English Language Arts (ELA) ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2  Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H  Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6  Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6	
H. Explain interlocking methods.	1, 3, 4	XII-C-10		
I. Explain the operation of reversing and sequential controllers.	1, 3, 4	XII-C-11		
J. Explain jogging, inching and plugging.	1, 3, 4	XII-C-12		
K. Explain the operation of multiple start stop controls and selector switches.	1, 3, 4	XII-C-13		
L. Explain the operation of phase failure relays.	1, 2, 3, 4	XII-C-14		
M. Explain various manual and automatic speed control techniques.	1, 3, 4	XII-C-15		
N. Explain the function, operation, and characteristics of variable frequency drives.	1, 2, 3, 4	XII-C-16		
O. Explain function, operation, characteristics and installation procedures for programmable logic controls.	1, 2, 3, 4	XII-C-17		
P. Interpret ladder diagrams.	1, 2, 3, 4	XII-C-18		
Q. Explain function, operation, and characteristics of timers, counters, and sequencers.	1, 2, 3, 4	XII-C-19		
R. Utilize appropriate manuals and information for start-up, maintenance and testing.	1, 2, 3, 4	XII-C-20		
S. Utilize schematics for manual starters, automatic starters, speed regulators and controllers.	1, 2, 3, 4	XII-C-21		
IV. FUNCTIONS, OPERATIONS, AND CHARACTERISTICS OF SWITCHES AND RELAYS		XII-D		
A. Interpret schematics that include switches and relays.	1, 2, 3, 4	XII-D-1		
B. Explain and perform installation and connection methods for various switch types.	1, 2, 3, 4	XII-D-2		
C. Explain and perform installation and connection for various relays.	1, 2, 3, 4	XII-D-3		
D. Explain the function, operation, and characteristics of electronic sensor and pilot devices.	1, 2, 3, 4	XII-D-4		
E. Explain the function, operation, and characteristics of control transformers.	1, 2, 3, 4	XII-D-5		
V. MECHANICAL CONNECTIONS TO UTILIZE MOTORS		XII-E		English Language Arts (ELA) ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2  Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H  Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6  Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
A. Explain the operation of mechanical clutches and magnetic drives.	1, 3, 4	XII-E-1		
B. Explain the function, operation, characteristics and installation of closed loop and open loop systems, feedback controls, proportional controls, integral controls, and derivative controls.	1, 3, 4	XII-E-2		
C. Interpret block diagrams including control systems and devices.	1, 3, 4	XII-E-3		
D. Explain the function, operation, and characteristics of sensors and transmitters.	1, 2, 3, 4	XII-E-4		
VI. PROCESS CONTROL SYSTEMS DEVICES		XII-F		
A. Determine operating requirements followed by manual and automatic controllers.	1, 2, 3, 4	XII-F-1		
B. Explain the function, operation, characteristics and installation of closed loop and open loop systems, feedback controls, proportional controls, integral controls, and derivative controls.	1, 2, 3, 4	XII-F-2		
C. Interpret block diagrams including control systems and devices.	1, 3, 4	XII-F-3		
D. Explain the function, operation and characteristics of sensors and transmitters	1, 2, 3, 4	XII-F-4		

M. Standard 13: Explain the Operation and Applications of Generators and Power Supplies

Benchmarks		Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I.	EXPLAIN ELECTROMOTIVE FORCE	1, 3, 4	XIII-A	English Language Arts (ELA)
II.	PRINCIPLES OF GENERATING ELECTRICITY		XIII-B	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
	A. Explain the construction, function, operation, and characteristics of the AC generator.	1, 3, 4	XIII-B-1	
	B. Explain the construction, function, operation, and characteristics of the DC generator.	1, 3, 4	XIII-B-2	
	C. Explain the “left hand rule” for generators.	1, 3, 4	XIII-B-3	
	D. Determine the RPM, frequency and number of poles on a given generator.	1, 3, 4	XIII-B-4	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H
	E. Explain three phase generator.	1, 3, 4	XIII-B-5	
	F. Explain wye and delta windings.	1, 3, 4	XIII-B-6	M-1H, 2H, 3H, 4H
	G. Explain three phase sine wave.	1, 2, 3, 4	XIII-B-7	D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
III.	EXPLAIN TYPES, CONFIGURATIONS, AND OPERATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS)	1, 2, 3, 4	XIII-C	Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
IV.	EXPLAIN THE TYPES, CONFIGURATIONS, AND OPERATION OF BATTERY SYTEMS USED FOR UPS SYSTEMS		XIII-D	Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

N. Standard 14: Explain the Operation, Selection and Use of Transformers

Benchmarks		Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I.	FUNCTION, OPERATION, AND CHARACTERISTICS OF TRANSFORMERS		XIV-A	English Language Arts (ELA)
	A. Explain the electrical principles governing transformer operation.	1, 2, 3, 4	XIV-A-1	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3 ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
	B. Explain the classification of transformer and application criteria.	1, 2, 3	XIV-A-2	
	C. Explain transformer losses.	1, 2, 3	XIV-A-3	
	D. Determine ratios for voltage and amperage with respect to turns.	1, 2, 3	XIV-A-4	Mathematics N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
II.	SELECTION AND INSTALLATION OF TRANSFORMERS		XIV-B	D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
	A. Interpret nameplate information.	1, 2, 3	XIV-B-1	
	B. Describe the techniques for sizing transformers (single and three phase).	1, 2, 3	XIV-B-2	Social Studies G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
	C. Determine whether a transformer meets voltage, current, and impedance requirements.	1, 2, 3	XIV-B-3	
	D. Calculate voltages and currents for load and windings.	1, 2, 3	XIV-B-4	
	E. Determine the use of wye or delta wiring schemes.	1, 2, 3	XIV-B-5	Science PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
	F. List and explain the steps for receiving and preparing transformers for installation.	1, 2, 3	XIV-B-6	
	G. Perform tests to assure proper operation.	1, 2, 3	XIV-B-7	
	H. Explain the proper techniques for connecting power and load conductors.	1, 2, 3	XIV-B-8	
	I. Explain the methods for determining the proper types and values of electrical protective devices.	1, 2, 3	XIV-B-9	
	J. Describe proper grounding procedures.	1, 2, 3	XIV-B-10	
III.	DISTRIBUTION SYSTEMS		XIV-C	
	A. Explain the function, operation, and characteristics of various types of distribution systems.	1, 2, 3	XIV-C-1	
	B. Explain the criteria for selecting distribution systems.	1, 2, 3	XIV-C-2	

O. Standard 15: Personal Development of Electricians

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. ORIENTATION		XV-A	English Language Arts (ELA)
A. Explain the organization of the industry from the customer to the contractor.	1, 2, 3	XV-A-1	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3
B. Explain the various organizations within the industry, including those that represent manufacturers, distribution, associations, and unions.	1, 2, 3	XV-A-2	ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
II. METHODS OF WORKING WITH OTHERS		XV-B	
A. Explain the three basis theories of motivation.	1, 2, 3, 4, 5	XV-B-1	Mathematics
B. Explain the need levels of humans.	1, 2, 3, 4, 5	XV-B-2	N-1H, 2H, 3H, 4H, 5H, 6H, 7H
C. Explain the role of the supervisors.	1, 2, 3, 4, 5	XV-B-3	A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
D. Explain the need for effective communication in electrical work.	1, 2, 3, 4, 5	XV-B-4	D-7H, 9H
III. ECONOMIC CONSIDERATIONS		XV-C	
A. Explain how the future of the worker is tied to that of the employer.	1, 2, 3	XV-C-1	G-1H, 2H, 3H, 4H, 5H, 6H Social Studies
B. Explain the electrical workers responsibility to the employer.	1, 2, 3	XV-C-2	G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5
C. Explain the costs of doing business.	1, 2, 3, 4	XV-C-3	E-1A-H1, 1A-H2, 1A-H3, 1A-H6
D. Explain the importance of satisfying the customers.	1, 2, 3	XV-C-4	1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 Science
E. Explain the impact of job performance, behavior, and appearance on the prospects for future work.	1, 2, 3	XV-C-5	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5
F. Explain the function of marketing within the field.	1, 2, 3	XV-C-6	ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

P. Standard 16: Explain Effective Jobsite Management Techniques

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. COORDINATE TOOL NEEDS WITH OFFICE OF OTHER JOBS.	1, 2, 3, 4	XVI-A	English Language Arts (ELA)
II. COORDINATE THE SCHEDULING OF JOBS WITH OTHER CRAFTS.	1, 2, 3	XVI-B	ELA 1-H1, H3, H4, H5 ELA 2-H2, H3 ELA 3-H2, H3
III. DEVELOP TIMETABLE AND PROGRESS CHART.	1, 2, 3, 4	XVI-C	ELA 4-H1, H2, H3, H4, H5, H6 ELA 5-H1, H2, H3, H6 ELA 7-H1, H2
IV. COMPLETE TIME SHEETS, LOG, AND OTHER FORM OF DOCUMENTATION.	1, 2, 3, 4	XV-D	
V. EXPLAIN THE PROECDURE OF OBTAINING CLEARANCE OR PERMITS.	1, 2, 3	XVI-E	Mathematics
VI. PERFORM INVENTORY AND COMPLETE ORDERS FOR EQUIPMENT ACCORDING TO JOB NEEDS.	1, 2, 3	XVI-F	N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H
VII. DEVELOP ALTERNATIVE SOLUTION TO PROBLEMS AND CHOOSE THE MOST APPROPRIATE.	1, 2, 3	XVI-G	D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
VIII. PLAN AND ORGANIZE TASKS TO MEET DEADLINE.	1, 2, 3	XVI-H	Social Studies
IX. SUPERVISE AND MONITOR OTHERS ON THE JOBSITE.	1, 2, 3	XVI-I	G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5
X. PICTURE THE WAY A JOB WILL APPEAR WHEN COMPLETED	1, 2, 3	XVI-J	E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 Science
			PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

Q. Standard 17: Explain and Perform Various Test Procedures with the Appropriate Equipment

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. STEPS USED FOR VARIOUS TEST PROCEDURES		XVII-A	English Language Arts (ELA)
A. Perform acceptance testing of cable.	1, 2, 3, 4	XVII-A-1	ELA 1-H1, H3, H4, H5
B. Perform maintenance tests on generators.	1, 2, 3, 4	XVII-A-2	ELA 2-H2, H3
C. Perform insulation tests using the megohmmeter.	1, 2, 3, 4	XVII-A-3	ELA 3-H2, H3
II. UTILIZING THE RESULTS OF TESTING PROCEDURES		XVII-B	ELA 4-H1, H2, H3, H4, H5, H6
A. Explain the special requirements for high voltage testing.	1, 3, 4	XVII-B-1	ELA 5-H1, H2, H3, H6
B. Describe the safety hazards encountered in testing.	1, 2, 3, 4, 5	XVII-B-2	ELA 7-H1, H2
C. Explain the characteristics and properties of high voltage cable and insulators.	1, 2, 3, 4	XVII-B-3	Mathematics
D. Perform appropriate test methods using various equipment.	1, 3, 4	XVII-B-4	N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
			Social Studies
			G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5 E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
			Science
			PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1 SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6

R. Standard 18: Explain the Use of Electrical Specialty Systems

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
I. FIRE ALARMS		XVIII-A	English Language Arts (ELA)
A. Explain the function, operation, and characteristics of various types of fire alarm systems and components.	1, 2, 3	XVIII-A-1	ELA 1-H1, H3, H4, H5
B. Apply code requirements to fire alarm system design and construction.	1, 2, 3, 4	XVIII-A-2	ELA 2-H2, H3 ELA 3-H2, H3
C. Explain the function, operation, and characteristics of alarm initiating and indicating devices.	1, 2, 3, 4	XVIII-A-3	ELA 4-H1, H2, H3, H4, H5, H6
D. Explain multiplexing of system components.	1, 2, 3, 4	XVIII-A-4	ELA 5-H1, H2, H3, H6
E. Explain methods of providing fire protection for various types of areas.	1, 2, 3, 4	XVIII-A-5	ELA 7-H1, H2
F. Select appropriate wiring methods and devices for various jobs and make installation.	1, 2, 3, 4	XVIII-A-6	Mathematics
G. Use manuals and perform check out and start-up procedures.	1, 2, 3, 4	XVIII-A-7	N-1H, 2H, 3H, 4H, 5H, 6H, 7H A-1H, 2H, 3H, 4H M-1H, 2H, 3H, 4H D-7H, 9H G-1H, 2H, 3H, 4H, 5H, 6H
H. Use manuals and determine system maintenance requirements and for troubleshooting.	1, 2, 3, 4	XVIII-A-8	Social Studies
II. SECURITY SYSTEMS		XVIII-B	G-1D-H1, 1D-H2, 1D-H4 C-1A-H1, 1A-H5
A. Explain the function, operation, and characteristics of various types of security systems and components.	1, 2, 3, 4	XVIII-B-1	E-1A-H1, 1A-H2, 1A-H3, 1A-H6 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
B. Apply code requirements to security system design and construction.	1, 2, 3, 4	XVIII-B-2	Science
C. Explain the function, operation, and characteristics of alarm initiating and indicating devices.	1, 2, 3, 4	XVIII-B-3	PS-H-B1, E1, F1, F2, G1, G2, G3, G4, G5 ESS-H-A1
D. Explain multiplexing of system components.	1, 2, 3, 4	XVIII-B-4	SE-H-A11, B1, B6, C2, C4, C5, D1, D2, D3, D4, D5, D6
E. Explain methods of providing security systems for various types of areas.	1, 2, 3, 4	XVIII-B-5	
F. Select appropriate wiring methods and devices and make installation.	1, 2, 3, 4	XVIII-B-6	
G. Use manuals and perform check out and start-up procedures.	1, 2, 3, 4	XVIII-B-7	
H. Use manuals and determine system maintenance requirements and for troubleshooting.	1, 2, 3, 4	XVIII-B-8	
III. VOICE, DATA, AND SIGNALING SYSTEMS		XVIII-C	
A. Explain the function, operation, and characteristics of various types of voice, data, TV and signaling systems.	1, 2, 3, 4, 5	XVIII-C-1	
B. Explain the proper cabling systems required for various systems.	1, 3, 4	XVIII-C-2	
C. Perform installation and connection techniques for cables and devices.	1, 3, 4	XVIII-C-3	
D. Explain how cable defects and installation errors can degrade data transfer.	1, 2, 3, 4	XVIII-C-4	
E. Use manuals to install, test, start and check out systems.	1, 2, 3, 4	XVIII-C-5	
F. Use appropriate manuals and techniques for system maintenance and troubleshooting.	1, 2, 3, 4	XVIII-C-6	

Benchmarks	Louisiana Foundation Skills	National Skill Standard	Academic Cross-Reference (Standard-Benchmark)
IV. LIGHTNING PROTECTION SYSTEMS		XVIII-D	
A. Explain the function, operation, and characteristics of lightning protection systems.	1, 2, 3, 4	XVIII-D-1	
B. Determine the sizing, layout and installation protection systems.	1, 2, 3, 4	XVIII-D-2	
C. Apply Code requirements to lightning protection systems.	1, 2, 3, 4	XVIII-D-3	
D. Determine the size of conductors and electrodes.	1, 2, 3, 4	XVIII-D-4	
E. Install electrodes.	1, 2, 3, 4	XVIII-D-5	
F. Install conductors and make connections to electrodes.	1, 2, 3, 4	XVIII-D-6	
V. FIBER OPTIC SYSTEMS		XVIII-E	
A. Explain the function, operation, and characteristics of fiber optic cable.	1, 2, 3, 4	XVIII-E-1	
B. Demonstrate proper installation techniques such as the installation of hardware and splicing and termination.	2, 3, 4	XVIII-E-2	
C. Use appropriate manuals and equipment to perform systems tests and troubleshooting procedures.	1, 2, 4	XVIII-E-3	
VI. HEATING, AIR CONDITIONING, AND REFRIGERATION		XVIII-F	
A. Explain the function, operation, and characteristics of heating, air conditioning, and refrigeration systems and their components.	1, 2, 3, 4, 5	XVIII-F-1	
B. Explain the characteristics of heat energy, transfer and measurement.	1, 3, 4	XVIII-F-2	
C. Explain and contrast space and process heating.	1, 3, 4	XVIII-F-3	
D. Compare and contrast the properties and characteristics of refrigerant.	1, 3, 4	XVIII-F-4	
E. Explain the appropriate piping techniques for refrigerants.	1, 3, 4	XVIII-F-5	
F. Use appropriate manuals and equipment to perform system tests and troubleshooting procedures.	1, 2, 3, 4	XVIII-F-6	

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**Subpart 7. Heating, Ventilating, Air-Conditioning, and Refrigeration (HVACR)**

**Chapter 21. Introduction**

**§2101. Heating, Ventilating, Air-Conditioning, and Refrigeration (HVACR) Excellence Rationale**

NOTE: All references to HVACR include refrigeration throughout this Subpart 13.

A. See Subpart 1 of this Part XCIX for General Provisions applicable to this Heating, Ventilating, Air Conditioning, and Refrigeration (HVACR) Program.

B. Heating, Ventilating, Air-Conditioning, and Refrigeration (HVACR) Excellence Certification provides national recognition of a technician's skill levels. It is a comprehensive series of exams built around a universally accepted benchmark of technical expertise. Various levels of certification allow HVACR Excellence to be very specific in fulfilling the demand for qualified personnel and in projection of a professional image.

C. Industry records reflect that over 85 percent of all service calls and troubleshooting scenarios involve electrical problems. For this reason, the electrical certification examination is a prerequisite to all other HVACR Excellence certifications. Each advancing level of certification builds on the foundation established by the electrical exam.

D. A technician who has achieved electrical certification may advance to the heating examinations or to the air conditioning exam.

E. Air conditioning certification is prerequisite to the commercial air conditioning, commercial Refrigeration, and to the heat pump exams. (The heat pump certification covers the competencies necessary for servicing air-to-air heat pumps, and is a prerequisite to the geo-thermal exam.)

F. Due to regional and climatic variations, and in order to make the exams more detailed, heating systems certifications are not packaged as one test. Heating exams are divided into five types. Technicians may choose any or all of the five categories:

1. Gas Heat;
2. Electric Heat;
3. Oil Heat;
4. Hydronics I (Hot Water); and
5. Hydronics II (Steam).

G. By providing a multi-tiered program, a technician is both rewarded for accomplishments and is also motivated to advance. Each level of certification covers the skills necessary to instill confidence in the technician's competencies, improve his/her proficiency on each job assignment, and project an image of professionalism to customers.

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**Chapter 23. Certification**

**§2301. Technician Certification—"The Benchmark of Technical Excellence"**

A. HVACR Excellence is a nonprofit organization established by a grant from the ESCO Institute. The two primary responsibilities of HVACR Excellence are:

1. technician competency certification; and
2. program accreditation.

B. The HVACR Excellence Technician Competency Certification Program is designed to reflect the competencies set forth by various organizations such as the National Skills Standards Board, the Manufacturers Skills Standards Council and Vocational Technical Education Consortium of States (VTECHS).

C. ESCO Institute supports online testing services through its worldwide network of more than 6,000 test administrators. ESCO Institute works with manufacturers, skilled technicians, contractors, and educators to develop programs that support national recognition and certification standards for schools and HVACR professionals. The HVACR Excellence exams are designed to establish a universally accepted benchmark of technical excellence.

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### **§2303. Electrical Certification**

A. This certification has been designed to directly address the needs of the HVACR technician who has the responsibility of installing, servicing, troubleshooting, and repairing the various electrical circuits and components of today's HVACR systems. Because the vast majority of service calls involve electrical repairs, Electrical Certification has been selected as the prerequisite over all other certifications in the HVACR Excellence Program. Other certifications may contain electrical questions specific to that exam.

B. Who Should Be Certified. With an extreme emphasis on safety, anyone responsible for the installation, service or maintenance of HVACR equipment must have a working knowledge of electrical systems.

C. Competencies covered:

1. circuit fundamentals;
2. electrical materials;
3. magnetism;
4. circuit protection;
5. types of electric motors;
6. troubleshooting basic controls;
7. troubleshooting electric motors;
8. motor controls;
9. application of motors;
10. automatic controls components and applications.

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### **§2305. Air Conditioning Certification**

A. Air conditioning (A/C) certification establishes a basis for all other certifications involving the vapor compression refrigeration system. Today's systems use new refrigerants and oils compared to units built just a few years ago. A properly maintained system should deliver years of trouble-free operation. However, improper service techniques or failure of one simple component will almost always lead to catastrophic failure of the system.

B. Who Should Be Certified. Any technician responsible for diagnosis and repair must possess a strong background in refrigeration systems.

C. Competencies covered:

1. theory of heat, temperature, and pressure;
2. physical states of matter and change of state;
3. refrigeration and refrigerants;
4. refrigerant and oil management;
5. refrigeration applied to air conditioning;
6. system evacuation;

7. leak detection;
8. tubing and piping practices;
9. tool usage and calibration;
10. equipment maintenance;
11. system charging;
12. safety.

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### **§2307. Commercial Refrigeration Certification**

A. Electrical and air conditioning certification is a prerequisite to commercial refrigeration. The commercial refrigeration technician will be faced with a variety of equipment and an equal variety of troubleshooting and service situations. It is important to remember that all of the equipment has certain components and functions that are common to all refrigeration and A/C devices. Knowing how a system or component is supposed to function under typical conditions will greatly aid in solving malfunctions.

B. Who Should Be Certified. Technician servicing and maintaining commercial or industrial refrigeration systems should be certified.

C. Competencies covered:

1. refrigeration components;
2. commercial evaporators;
3. commercial condensing units;
4. head pressure controls;
5. charging commercial systems;
6. grocery (reach-in) cabinets;
7. walk-in cabinets;
8. industrial applications;
9. pressure regulating valves;
10. ice maker controls;
11. defrost timers;
12. refrigerant controls;
13. dispensing freezers;
14. frozen food storage;
15. display cases.

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### **§2309. Commercial Air Conditioning Certification**

A. Electrical and air conditioning certification is a prerequisite to commercial air conditioning. Commercial air conditioning technicians will be faced with a variety of equipment and systems. It is important to remember that all of the equipment has certain components and functions that are common to all refrigeration and A/C devices. Commercial buildings may experience high occupancy and contain a variety of equipment leading to indoor air quality (IAQ) concerns. This certification addresses the unique issues involved in the service and maintenance of commercial air conditioning systems.

B. Who Should be Certified. Anyone servicing commercial air conditioning systems should be certified.

C. Competencies covered:

1. commercial evaporators;
2. commercial condensing units;
3. head pressure controls;

4. filtration;
5. HEPA filters;
6. electronic air filters;
7. activated charcoal air purifiers;
8. charging commercial systems;
9. air distribution;
10. fresh air intake and exchange;
11. ion generators;
12. humidity control;
13. controlling indoor contamination;
14. duct cleaning.

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### §2311. Heat Pump Certification

A. This certification will demonstrate the technician's competencies in all areas of service and troubleshooting air-to-air heat pump systems. Technicians seeking the heat pump certification will have satisfactorily completed the electrical and air conditioning certifications prior to taking this test. The heat pump certification is a prerequisite for geo-thermal certification.

B. Who Should Be Certified. Any technician responsible for the installation, service and maintenance of air-to-air heat pump systems should be heat pump certified.

C. Competencies covered:

1. theory, operations and components of a reverse cycle heat pump;
2. four way valves;
3. heat sources for heat pumps;
4. co-efficiency of performance;
5. safety;
6. heat pump efficiency ratings;
7. auxiliary heat for heat pumps;
8. control sequences;
9. maintenance procedures.

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### §2313. Geothermal Certification

A. The geothermal certification concentrates on open loop (water source), and closed loop (earth-coupled) systems. Electrical, air conditioning, and the heat pump certifications are required prior to taking this exam.

B. Who Should be Certified. Any technician responsible for the installation, service and maintenance of geothermal heat pump systems should be geothermal certified.

C. Competencies covered:

1. open loop and closed loop geothermal systems;
2. water quality requirements;
3. ground loop configurations;
4. series and parallel flow configurations;
5. formulas for calculation of absorption and rejection of heat;
6. well types and water sources;
7. system fluids and heat exchanger materials;
8. maintenance procedures;
9. safety.

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### §2315. Gas Heat Certification

A. Gas heat systems have changed dramatically in the past few years. Many of the new high efficiency gas-heating units employ electronic ignition systems, variable speed motors, and a myriad of electronic controls. In addition to a solid foundation in the theory and operations of older existing systems, today's technician must possess the skills to service these newer systems to ensure safe and trouble-free operation. Gas heat certification indicates that a technician possesses an in-depth knowledge of all types of gas heat units and their control systems.

B. Who Should Be Certified. Electrical certification is prerequisite to the gas heat exam. Any technician who installs, services, or maintains gas heat systems should be certified.

C. Competencies covered:

1. types of furnaces;
2. gas fuels;
3. natural gas/LP gas;
4. combustion;
5. gas valve;
6. gas furnace wiring diagrams;
7. manifold;
8. orifice;
9. burners;
10. pilots;
11. automatic combination gas valve;
12. troubleshooting techniques.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §2317. Electric Heat Certification

A. Electric heat certification demonstrates the technician's competencies in all aspects of service and troubleshooting electric heat systems. Electric heat is commonly used as a supplemental heat supply for heat pump systems and therefore makes an excellent supporting certification.

B. Who Should Be Certified. Electrical certification is a prerequisite to the electric heat exam. A technician who services electric heat systems or heat pump systems should be electric heat certified.

C. Competencies covered:

1. principles of electric resistance heating;
2. central forced air electric furnaces;
3. controlling multiple stages;
4. contactors for electric furnaces;
5. thermostats;
6. wiring diagrams;
7. fan motor circuits;
8. airflow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §2319. Oil Heat Certification

A. Oil heat requires more consistent regular service than any other heat system. The fuel oil must be properly metered and burned for best efficiency. Improper burning efficiency will cause soot to form, which will slow down the heat exchange process and decrease the burning efficiency. Yearly preventive maintenance procedures, from the oil tank to the flue, must be performed.

B. Who Should Be Certified. Electrical certification is a prerequisite to the oil heat exam. Any technician responsible for service or maintenance of oil heat systems should be certified.

C. Competencies covered:

1. fuel oils;
2. combustion products and byproducts;
3. combustion efficiency;
4. gun type oil burners;
5. nozzles;
6. preventative maintenance;
7. basic service procedures;
8. ignition system;
9. oil burner components;
10. fuel oil pumps.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §2321. Hydronics I and II Certification

A. Hydronic heating systems use hot water (Hydronics I) or steam (Hydronics II) to carry heat to occupied spaces. Such systems have been in use for many years. Today's systems employ various piping arrangements to allow for zoned heat controls. Many of these zoned systems use microprocessor controls to allow different heat level to the areas being heated. The heat exchange units vary from the old stand-up radiators, to baseboard units or in-floor radiant heat systems.

B. Who Should Be Certified. Electrical Certification is a prerequisite to the Hydronics Heat Certifications. Technicians who service or maintain hot water heating systems should be certified in Hydronics I. Technicians who service or maintain steam heating systems should be certified in Hydronics II. It is highly recommended, but not required, that technicians have at least one other heat certification such as gas, electric, or oil) before advancing to hydronic certification.

C. Competencies covered:

1. Hydronics I
  - a. hydronic heating systems;
  - b. gas fired boilers;
  - c. electric boilers;
  - d. oil fired boilers;
  - e. circulating pumps;
  - f. piping arrangements;
  - g. temperature control devices;
  - h. zone controls;
  - i. Operating sequence.
2. Hydronics II
  - a. steam heating systems;
  - b. gas fired boilers;
  - c. electric boilers;
  - d. oil fired boilers;

- e. piping arrangements;
- f. temperature control devices;
- g. zone controls;
- h. operating sequence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

## Chapter 25. National Skills Standards

### §2501. Safety and Environment

A. Understand and apply safety regulations and procedures.

B. Understand and apply federal, state, and local regulations for disposing of hazardous materials.

C. Understand and apply United States Environmental Protection Agency (EPA) regulations on venting, recovery, reclaiming, and recycling refrigerants.

D. Understand and apply the U.S. Department of Transportation (DOT) regulations in the transportation and handling of hazardous materials.

E. Understand and apply U.S. Occupational Safety and Health Administration (OSHA) regulations.

F. Understand and apply Environmental Protection Agency (EPA) regulations on indoor air quality and nitrous oxide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### §2503. Electrical Principles

A. General

1. Understand and apply the principles of alternating and direct current.

2. Understand and recognize the common single-and three-phase voltage system including 231v, 60hz, single phase; 208v, 60hz, three-phase; and 460v, 60hz, three- phase systems.

3. Understand and apply the principles of series-parallel and compound circuits.

4. Understand and apply the principles and relationships of Ohm's, Kirchoff's, and Watt's Laws as they apply to series-parallel and compound circuits.

5. Read and interpret voltage, ampere, ohm, megohm, and wattmeters.

6. Read and interpret schematic drawings.

7. Develop schematics from electrical label/line diagrams.

8. Read and interpret electrical codes.

9. Understand and apply the properties and behaviors of electrical conductors and insulators.

10. Understand and apply the principles of electrical circuit protection including fuses, circuit breakers, and disconnect switches.

11. Understand and apply the principles of single-and three-phase transformers.

12. Understand and apply electrical grounding principles.

13. Understand and apply the principles of electrical measurement.

14. Troubleshoot electrical circuits.

15. Install electrical power and control circuits.

16. Install and connect the components of electrical circuits.

B. Electric Motors

1. Understand and apply the operating principles of electric motors.

2. Understand and recognize the application of various types of electric motors.

3. Understand and recognize the application of various types of capacitors.

4. Understand the principles and operation of electric motor protection devices.

5. Understand and interpret electric motor specifications.

6. Install and connect electric motors.

7. Perform electrical motor maintenance.

8. Troubleshoot electric motors.

C. Controls

1. Understand and apply the principles of safety and operating control devices (e.g., pressure switches, thermostats).

2. Understand and apply the principles of electromechanical control devices (e.g., relays, contactors, magnetic starters, timers, sequences).

3. Understand and apply the principles of electronic control devices (e.g., ignition modules, electronic timers).

4. Understand and apply the principles of safety and control circuits.

5. Install/service mechanical control devices.

6. Install/service electromechanical control devices.

7. Troubleshoot mechanical control devices.

8. Troubleshoot electromechanical control devices.

9. Troubleshoot electronic control devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§2505. Refrigeration Principles and Practices**

A. General

1. Understand and apply the theory of heat.

2. Understand and apply the properties of refrigerants.

3. Understand and apply the mechanical refrigeration cycle.

4. Understand and apply pressure/temperature curves and charts.

5. Understand and apply the principles and the operation of compressors.

6. Understand and apply the principles and operation of condensers.

7. Understand and apply the principles and operation of metering devices.

8. Understand and apply the principles and operation of evaporators.

9. Understand the operation of refrigeration system accessories (e.g., receivers, accumulators, filter/dryers, sight glasses, valves).

10. Perform leak tests.

11. Evacuate and measure the vacuum level of refrigeration systems.

12. Recover refrigerants.

13. Charge refrigeration systems.

14. Recycle refrigerants.

15. Troubleshoot mechanical refrigeration systems.

B. Piping

1. Understand and apply the principles of piping systems, including the factors that affect pipe selection, pipe size, and system design.

2. Understand and select the proper fitting or valve for specific applications e.g.:

a. globe valves;

b. gate valves;

c. angle valves;

d. check valves;

e. elbows, tees;

f. unions;

g. couplings;

h. half unions.

3. Understand and apply the principles of pipe accessories e.g.:

a. flanges;

b. isolators;

c. hangers;

d. expansion joints;

e. expansion loops;

f. supports;

g. insulation.

4. Perform copper tubing operations, including:

a. cutting;

b. flaring;

c. soldering;

d. brazing;

e. bending;

f. swaging; and

g. etc.

5. Perform steel pipe operations, to include:

a. cutting;

b. reaming;

c. threading;

d. connecting; and

e. etc.

6. Perform PVC pipe operations, including:

a. cutting;

b. connecting; and

c. etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§2507. Air Conditioning Principles**

A. Understand and apply the principles of air-conditioning, including temperature, humidity, and air movements, etc.

B. Understand and apply the principles of air distribution and delivery systems.

C. Understand and apply the principles of condensate drain systems.

D. Understand and apply the principles of air filtration systems.

E. Design air distribution systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### **§2509. Heating Principles**

- A. Understand and apply the principles of fuel system design.
- B. Understand and apply the principles of air and hydronic distribution and delivery system design.
- C. Understand and apply the principles and operation of electric resistance heat systems.
- D. Understand and apply the principles and operation of gas-fired, forced-air heating systems.
- E. Understand and apply the principles and operation of oil-fired, forced-air heat systems.
- F. Understand and apply the principles of electric heat pump systems.
- G. Understand and apply the principles and operation of gas-fired hydronic heat systems.
- H. Understand and apply the principles and operation of oil-fired hydronic heat systems.
- I. Understand and apply the principles of venting and drain systems.
- J. Understand and apply the principles of pipe sizing and layout for both fuel and heat distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### **§2511. Residential and Light Commercial Heating**

- A. Understand and apply the principles of fuel system design.
- B. Understand and apply the principles of air distribution system design.
- C. Understand and apply the principles and operation of electrical resistance heat systems.
- D. Understand and apply the principles and operation of gas-fired, forced-air heating systems.
- E. Understand and apply the principles and operation of oil-fired, forced-air heating systems.
- F. Understand and apply the principles and operation of gas-fired hydronic heat systems.
- G. Understand and apply the principles and operation of oil-fired hydronic heat systems.
- H. Understand and apply the principles of venting and drain systems.
- I. Understand and apply the principles of pipe sizing and layout, including liquid propane and natural gas and oil.
- J. Understand and apply the principles of humidification.
- K. Install/service gas-fired forced-air heating systems.
- L. Install/service oil-fired forced-air heating systems.
- M. Install/service hydronic heat systems.
- N. Fabricate/install/service venting and drain systems.
- O. Install/service humidifiers.
- P. Troubleshoot gas-fired forced-air heating systems.
- Q. Troubleshoot oil-fired forced-air heating systems.
- R. Troubleshoot hydronic heat systems.
- S. Troubleshoot venting and drain systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### **§2513. Heat Pump**

- A. Understand and apply the principles of vapor compression heat pump cycles.
- B. Understand and apply the principles of supplementary heat.
- C. Understand and apply the relationship of outdoor ambient temperature to heating capacity.
- D. Understand and apply the electrical circuitry of air-to-air, and group-to-air heat pumps.
- E. Understand and apply the principles and operation of defrost controls in heat pump systems; e.g:
  - 1. electronic demand defrost;
  - 2. pressure;
  - 3. time/temperature;
  - 4. time; and
  - 5. etc.

F. Understand and apply the principles of the balance point of heat pumps.

G. Interpret the balance chart and plot the balance point of a heat pump.

H. Design air distribution and delivery systems.

I. Fabricate and insulate air distribution systems.

J. Install/service vapor compression heat pump systems.

K. Troubleshoot vapor compression heat pump systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

### **§2515. Residential and Light Commercial Air Conditioning**

- A. Understand and apply the principles of air-conditioning including:
  - 1. temperature;
  - 2. humidity;
  - 3. air-movement; and
  - 4. etc.
- B. Understand and apply the principles of air distribution systems.
- C. Understand and apply the principles of condensate drain systems.
- D. Understand and apply the principles of air filtration systems.
- E. Design air distribution and delivery systems.
- F. Fabricate and insulate air distribution systems.
- G. Install air distribution systems.
- H. Install/service condensate drain systems.
- I. Install/service air filtration systems.
- J. Install/service split air-conditioning systems.
- K. Install/service packaged air-conditioning systems.
- L. Install/service evaporative coolers.
- M. Troubleshoot air-conditioning systems.
- N. Troubleshoot evaporative coolers.
- O. Troubleshoot condensate drain systems.
- P. Troubleshoot air filtration systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

## §2517. Commercial Air Conditioning Systems

- A. Understand and apply the principles of cooling towers.
- B. Understand and apply the principles of pneumatic control devices, e.g.:
  - 1. thermostats;
  - 2. pneumatic actuators;
  - 3. pneumatic switches; and
  - 4. pneumatic relays.
- C. Understand and apply the principles of pumps and circulators.
- D. Understand and apply the principles of low and high-pressure gas-fired boilers.
- E. Understand and apply the principles of low and high-pressure oil-fired boilers.
- F. Understand and apply the principles of steam condensers and traps.
- G. Understand and apply the principles of water-cooled condensers and accessories.
- H. Understand and apply the principles of desiccant cooling and dehumidification systems.
- I. Understand and apply the principles of liquid chillers and accessories.
- J. Understand and apply the principles of air distribution and delivery systems.
- K. Understand and apply the principles of water distribution systems.
- L. Understand and apply the principles of commercial conditioned-air control systems.
- M. Install/maintain/service pneumatic control devices.
- N. Install/service pumps and circulators.
- O. Install/align shafts in fans, pumps, and open-type compressors.
- P. Install/service cooling towers and accessories.
- Q. Install/service water-cooled condensers and accessories.
- R. Install/service liquid chillers and accessories.
- S. Install/service air distribution systems and accessories.
- T. Install/service water distribution systems and accessories.
- U. Install/service commercial conditioned-air control systems.
- V. Perform scheduled monitoring/testing procedures of commercial conditioned-air systems.
- W. Perform preventive inspection and maintenance procedures of commercial conditioned-air systems.
- X. Perform commercial conditioned-air system start-up procedures.
- Y. Perform commercial conditioned-air system shut-down procedures
- Z. Troubleshoot pneumatic control devices.
- AA. Troubleshoot pumps and circulators.
- AB. Troubleshoot cooling towers and accessories.
- AC. Troubleshoot water-cooled condensers and accessories.
- AD. Troubleshoot liquid chillers and accessories.
- AE. Troubleshoot air distribution systems and accessories.
- AF. Troubleshoot water distribution systems and accessories.
- AG. Troubleshoot commercial conditioned-air control systems

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

## §2519. Commercial Refrigeration

- A. Understand and apply the principles of high, medium, low, and ultra-low temperature control refrigeration and their applications.
- B. Understand and apply the principles of mechanical refrigeration systems in commercial refrigeration, e.g.:
  - 1. walk-in coolers;
  - 2. walk-in freezers;
  - 3. reach-in cases;
  - 4. multiple evaporator systems;
  - 5. packaged refrigeration systems.
- C. Understand and apply the principles of electric and hot gas defrost systems in commercial refrigeration systems.
- D. Understand and apply the principles of flake and cube icemakers.
- E. Understand and apply the principles of water coolers.
- F. Understand and apply the principles of specific refrigeration system components used in commercial refrigeration, e.g.:
  - 1. low ambient controls;
  - 2. evaporator pressure regulators;
  - 3. crankcase pressure regulators.
- G. Understand and apply the principles of load calculation and piping designs in commercial refrigeration systems.
- H. Calculate the load, design the piping system, and design the control system of a commercial refrigeration system.
- I. Install/service commercial refrigeration systems.
- J. Install/service ice makers.
- K. Install/service water coolers.
- L. Troubleshoot high temperature commercial refrigeration systems.
- M. Troubleshoot medium temperature commercial refrigeration systems.
- N. Troubleshoot low temperature commercial refrigeration systems.
- O. Troubleshoot ultra-low temperature commercial refrigeration systems.
- P. Troubleshoot icemakers.
- Q. Troubleshoot coolers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

## Chapter 27. Program Standards

### §2701. HVACR Excellence Program Standards

- A. Standard 1. Mission of Program
  - 1. Mission for Program Students
  - 2. Program Mission and Description
- B. Standard 2. Administration Responsibilities
  - 1. Competency of Student upon Completion
  - 2. Backing of the Institution's administration
  - 3. The Institution's Requirements
  - 4. Lab/Work Projects
  - 5. HVACR Program Advisory Committee

- C. Standard 3. Finances and Funds
  - 1. Student's Fees
  - 2. Annual Budget for HVACR Program
  - 3. Formulation of Budget
- D. Standard 4. Teaching/Learning Materials
  - 1. Maintenance and Repair Reference Materials
  - 2. References and Periodicals
  - 3. Multimedia Materials and Equipment
- E. Standard 5. Student Services
  - 1. Pre-admission Procedures
  - 2. Counseling
  - 3. Student Transcripts
  - 4. The School-to-Work Transition
  - 5. Student Follow-up Information
- F. Standard 6. Plan of Instruction
  - 1. Over-all Program Design
  - 2. Students per Instructor Ratio
  - 3. Specialized Training Plan
  - 4. Safety
  - 5. Work Habits
  - 6. Basic Skills
  - 7. Worker Characteristics
  - 8. Performance Standards
  - 9. Student Progress
  - 10. Evaluations
  - 11. Articulation Agreements

- G. Standard 7. Physical Facilities
  - 1. Safety
  - 2. Classroom and Office
  - 3. Maintenance and Housekeeping
  - 4. Shop/Lab Area
  - 5. Tool Room and Storage Area
  - 6. Restrooms
- H. Standard 8. Equipment and Tools
  - 1. Shop/Lab Equipment
  - 2. Hand Tools for Students
  - 3. Supplies
  - 4. Parts Replacement/Repairs
- I. Standard 9. Cooperative Training
  - 1. Performance Standards
- J. Standard 10. Instructor Qualifications
  - 1. Qualifications

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**§2703. Competencies, Foundation Skills, Academic Cross References**

A. Standard: Heating, Ventilating, Air Conditioning, and Refrigeration Competencies (National Skills Standards: Air Conditioning, Heating and Refrigeration Technician. Consortium of States, 1996.)

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. SAFETY		English Language Arts (ELA)
(1) Identify types, purposes, and operation of fire extinguishers.	1, 3, 5	ELA 1 – H1, H3, H4, H5
(2) Inspect shop for hazards.	1, 2, 3	ELA 2 – H1, H2, H3, H4, H5, H6
(3) Work cautiously and safely, using appropriate tools.	1, 3, 5	ELA 3 – H1, H2, H3
(4) Demonstrate victim removal procedures from an electrical conductor.	1, 2	ELA 4 – H1, H2, H3, H4, H5, H6
(5) Demonstrate safe handling of refrigerants.	1, 2	ELA 5 – H1, H2, H3, H4, H5, H6
(6) Demonstrate safe handling of pressurized gases.	1, 2	ELA 7 – H1, H2
(7) Demonstrate safe handling of combustibles.	1, 2	
(8) Apply MSDS (Material Safety Data Sheet) information to material use.		Mathematics
(9) Adhere to applicable local, state and federal regulations (EPA [environmental], DOT [moving vehicle] and OSHA [worker safety]).		N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(10) Demonstrate first aid for occupational hazards.		A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
B. BASIC ELECTRICITY (General)		Social Studies
(1) Apply the principles of alternating and direct current.	1, 2, 3	G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
(2) Differentiate between common single- and three-phase voltage systems, including 240V, 60Hz, three-phase; and 480V, 0 Hz, three-phase systems.	1, 2, 3	
(3) Read and interpret voltage, ampere, ohm and wattmeters.	1, 2	E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
(4) Read and interpret electrical schematic and wiring diagrams.	1, 2	
(5) Install electrical power and control circuits.	1, 2	H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
(6) Apply the principles and relationship of Ohm's Law as it applies to series, parallel, and series-parallel circuits.	1, 2	
(7) Apply the principles of electrical circuit protection, including fuses, circuit breakers, disconnect switches and grounds.	1, 2	Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>BASIC ELECTRICITY (Electric Motors)</p> <ol style="list-style-type: none"> <li>(1) Apply the operating principles of electric motors.</li> <li>(2) the application of various types of electric motors.</li> <li>(3) Recognize the application of various types of capacitors.</li> <li>(4) Test capacitors.</li> <li>(5) Explain the principles and operation of electric motor protection devices.</li> <li>(6) Interpret electric motor specifications (e.g., horsepower, voltage).</li> <li>(7) Install and connect electric motors.</li> </ol>	<p>1, 3, 5 2, 3 3, 4</p>	
<p>BASIC ELECTRICITY (Controls)</p> <ol style="list-style-type: none"> <li>(1) The principles of safety and operating control devices (e.g., pressure switches, thermostats).</li> <li>(2) Apply the principles of electromechanical control devices (e.g., relays, contactors, magnetic starters, timers, sequencers).</li> <li>(3) Apply the principles of electronic control devices (e.g., ignition modules, electronic timers).</li> <li>(4) Apply the principles of safety and control circuits.</li> <li>(5) Install/service mechanical control devices (e.g., pneumatic and water controls).</li> <li>(6) Install/service electromechanical control devices.</li> <li>(7) Install/replace transformers.</li> </ol>	<p>3, 4 2, 3, 4 2, 3, 4 1, 3, 5 2, 3 3, 4 2, 3, 4</p>	
<p>C. REFRIGERATION PRINCIPLES AND PRACTICES</p> <ol style="list-style-type: none"> <li>(1) Explain principles of refrigeration.</li> <li>(2) Explain heat transfer theory.</li> <li>(3) Identify refrigerant and oil types, characteristics and uses.</li> <li>(4) Use gauge manifold set.</li> <li>(5) Leak-test system.</li> <li>(6) Evacuate and measure vacuum level to 500 microns.</li> <li>(7) Recover refrigerants.</li> <li>(8) Charge system to manufacturer's specifications.</li> <li>(9) Describe the operation of refrigeration system accessories (e.g., receivers, accumulators, filter/dryers, sight glasses, valves).</li> </ol>	<p>2, 3, 4 2, 3, 4 2, 3, 4</p>	
<p>REFRIGERATION PRINCIPLES AND PRACTICES (Piping)</p> <ol style="list-style-type: none"> <li>(1) Identify different types of tubing and fittings.</li> <li>(2) Perform copper tubing operations, including cutting, flaring, soldering, brazing, bending, swaging, etc.</li> <li>(3) Install, repair and replace aluminum tubing.</li> <li>(4) Install and replace PVC tubing and pipe.</li> <li>(5) Perform gas pipe operations (e.g., cutting, reaming, threading and connecting).</li> </ol>	<p>1, 3, 5 2, 3 3, 4</p>	
<p>D. AIR CONDITIONING</p> <ol style="list-style-type: none"> <li>(1) Understand and apply the principles of air-conditioning, including temperature, humidity, and air movement, etc.</li> <li>(2) Understand and apply the principles of air distribution and delivery systems.</li> <li>(3) Understand and apply the principles of condensate drain systems.</li> <li>(4) Understand and apply the principles of air filtration systems.</li> <li>(5) Design air distribution systems.</li> </ol>	<p>2, 3, 4 2, 3, 4 2, 3, 4</p>	
<p>E. HEATING</p> <ol style="list-style-type: none"> <li>(1) Understand and apply the principles of fuel systems design.</li> <li>(2) Understand and apply the principles of air and hydronic distribution and delivery system design.</li> <li>(3) Understand and apply the principles and operation of electric resistance heat systems.</li> <li>(4) Understand and apply the principles and operation of gas-fired forced-air heat systems.</li> <li>(5) Understand and apply the principles and operation of oil-fired forced-air heat systems.</li> <li>(6) Understand and apply the principles of electric heat pump systems.</li> </ol>	<p>1, 3, 5 2, 3</p>	
<p>F. RESIDENTIAL/LIGHT COMMERCIAL COOLING/HEATING</p> <ol style="list-style-type: none"> <li>(1) Install or replace compressor.</li> <li>(2) Install or replace condensing unit.</li> <li>(3) Install or replace condenser.</li> </ol>	<p>1, 3, 5 2, 3 3, 4</p>	

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
(4) Repair or replace evaporator. (5) Replace, repair and adjust metering devices. (6) Perform cleanup of a contaminated system. (7) Describe operation of a heat pump. (8) Start and check residential heating and cooling systems. (9) Measure and adjust conditioned airflow. (10) Repair, replace and service electronic air cleaner. (11) Pump down unit.	2, 3, 4 2, 3, 4 2, 3, 4	
G. HEAT PUMPS		
(1) Understand and apply the principles of vapor compression heat pump cycles. (2) Understand and apply the principles of supplementary heat. (3) Understand and apply the relationship of outdoor ambient temperature to heating capacity. (4) Understand and apply the electrical circuitry of air-to-air, and ground-to-air heat pumps. (5) Understand and apply the principles and operation of defrost controls in heat pump systems (e.g., electronic demand defrost, pressure, time/temperature, time).	1, 3, 5 2, 3	
H. RESIDENTIAL/LIGHT COMMERCIAL AIR CONDITIONING		
(1) Understand and apply the principles of air-conditioning, including temperature, humidity, and air movement, etc. (2) Understand and apply the principles of air distribution systems. (3) Understand and apply the principles of condensate drain systems. (4) Understand and apply the principles of air filtration systems. (5) Design air distribution and delivery systems. (6) Fabricate and insulate air distribution systems.	3, 4 2, 3, 5	
I. COMMERCIAL AIR CONDITIONING SYSTEMS		
(1) Understand and apply the principles of cooling towers. (2) Understand and apply the principles of pneumatic control devices (e.g., thermostats, pneumatic actuators, pneumatic switches, pneumatic relays). (3) Understand and apply the principles of pumps and circulators. (4) Understand and apply the principles of low and high pressure gas-fired boilers. (5) Understand and apply the principles of low and high-pressure oil-boilers. (6) Understand and apply the principles of steam condensers and traps. (7) Understand and apply the principles of water-cooled condensers and accessories. (8) Understand and apply the principles of desiccant cooling and dehumidification systems. (9) Understand and apply the principles of liquid chillers and accessories. (10) Understand and apply the principles of air distribution and delivery systems. (11) Understand and apply the principles of water distribution systems. (12) Understand and apply the principles of commercial conditioned-air control systems.	1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3 2, 3, 4 2, 3 2, 3, 4 1, 3, 5 2, 3	
J. COMMERCIAL REFRIGERATION		
(1) Understand and apply the principles of high, medium, low, and ultra-low temperature control refrigeration and their applications. (2) Understand and apply the principles of mechanical refrigeration systems in commercial refrigeration (e.g., walk-in coolers, walk-in freezers, reach-in cases, multiple evaporator systems, packaged refrigeration systems). (3) Understand and apply the principles of electric and hot gas defrost systems in commercial refrigeration systems. (4) Understand and apply the principles of flake and cube icemakers. (5) Understand and apply the principles of water coolers.	2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4	

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
(6) Understand and apply the principles of specific refrigeration system components used in commercial refrigeration (e.g., low ambient controls, evaporator pressure regulators, crankcase pressure regulators).	2, 3, 4	
(7) Understand and apply the principles of load calculation and piping designs in commercial refrigeration systems.	2, 3, 4	
(8) Calculate the load, design the piping system, and design the control system of a commercial refrigeration system.	2, 2, 4	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 31:

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, hereby submitted is a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office, which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Lacks sufficient information to determine.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 115—Trade and Industrial Education Content Standards Framework Drafting, Electricity, Heating, Ventilating, Air Conditioning, and Refrigeration**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is estimated that the proposed content standards and framework for Drafting, Electricity Trades, and Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) will involve printing costs of \$2,922.50, which will be funded with Federal Carl D. Perkins funds.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no expected costs associated with these standards. Economic benefits to persons directly affected or non-governmental groups cannot be determined. Individuals trained to higher standards may compete more effectively for available jobs.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed content standards offer rigorous and challenging standards that require students to apply their knowledge to real-life work situations. These increased capabilities should result in individuals becoming more competitive for trade and industrial opportunities.

Maryllyn J. Langley  
Deputy Superintendent  
Management and Finance  
0512#032

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—General Career and Technical Education (LAC 28: CXV.2377)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*, §2377. General Career and Technical Education (LAC 28: CXV). The proposed changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry standards. In updating these course offerings, Louisiana's Career and Technical Program of Studies will be more aligned with national standards.

**Title 28**

**EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction §2377. General Career and Technical Education**

A. General Career and Technical Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
CTE Internship I	11-12	2
CTE Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2-1
Teacher Cadet I	11-12	1
Teacher Cadet II	12	1
Advanced Television Broadcasting I	10-12	1-3
Advanced Television Broadcasting II	11-12	1-3
Digital Media I	10-12	1-3
Digital Media II	11-12	1-3
Oracle Internet Academy		
Database Design and Programming	11-12	1
Java Programming	11-12	1
Finance Academy		
Economics and the World of Finance	11-12	1/2
Banking and Credit	11-12	1/2
Financial Planning	11-12	1/2
Securities	11-12	1/2
Insurance	11-12	1/2
International Finance	11-12	1/2
Introduction to Financial Services	11-12	1/2-1
Hospitality and Tourism Academy		
Introduction to Travel and Tourism	11-12	1/2
Travel and Tourism II	11-12	1/2
Travel Destinations I, II	11-12	1/2
Systems Applications	11-12	1/2
Economics for Travel and Tourism	11-12	1/2
Information Technology Academy		
Introduction to Information Technology	11-12	1/2
Digital Networks	11-12	1/2
Advanced Web Tools	11-12	1/2
Databases	11-12	1/2
Introduction to the Internet	11-12	1/2
Logic for Programming	11-12	1/2

B. General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005), amended LR 32:

#### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 741—Louisiana Handbook for School Administrators General Career and Technical Education**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision will change Career and Technical course offerings. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make its determination.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes are being requested to bring current Career and Technical course offerings in-line with industry demands. In aligning our course offerings with national standards, it will strengthen the link between secondary and postsecondary institutions. It will assist Career and Technical students in attaining vocational skills for the workplace.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#033

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

#### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Compulsory Attendance  
(LAC 28: CXV.1103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*, §1103. Compulsory Attendance (LAC 28: CXV). Hospital/Homebound instruction is provided to students who are enrolled in regular or special education and who, as a result of health care treatment, physical illness, accident, or the treatment thereof, are temporarily unable to attend school; these students shall be provided instructional services in the home

or hospital environment. A minimum of 4 hours/week shall be provided in core academic subjects by a properly certified regular or special education teacher or through a consultative model, when appropriate. Based on an expressed need for guidance on hospital/homebound instruction from the local education agencies, parental concerns, and the department's effort to establish state procedures, a survey was conducted and policies and procedures were developed.

**Title 28  
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for  
School Administrators**

**Chapter 11. Student Services**

**§1103. Compulsory Attendance**

A. - D.1.b.ii. ...

E. A student who is enrolled in regular or special education and who, as a result of health care treatment, physical illness, accident, or the treatment thereof, is temporarily unable to attend school, shall be provided instructional services in the home or hospital environment. (Homebound Instruction).

1. Homebound instruction shall be provided by, a properly certified teacher, on the eleventh school day following an absence of more than 10 consecutive school days for a qualifying illness.

a. After a student has been absent for 10 days, for one of the above identified reasons, the student shall be referred for review by the SBLC, to determine need for referral for Section 504 services if the student has not previously been identified as a student with a disability.

2. Homebound instruction, at a minimum, shall be provided in the core academic subjects: English, Mathematics, Science and Social Studies.

3. A minimum of four hours of homebound instruction shall be provided per week, unless the student's health as determined by a physician requires less.

a. Consideration shall be given to the individual need for services beyond the core academic subjects for students with disabilities.

4. Homebound services may be provided via a consultative model (properly certified regular or special education teacher when appropriate, consults with the homebound teacher delivering instruction) for students needing such services less than 20 days during a school year.

F. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:221; R.S. 17:226; R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741—Louisiana Handbook for  
School Administrators—Compulsory Attendance**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Hospital/Homebound instruction shall be provided in the home or hospital environment to any student enrolled in regular or special education who is temporarily unable to attend school as a result of health, care treatment, physical illness, accident, or the treatment thereof. A minimum of 4 hours/week shall be provided in core academic subjects by a properly certified regular or special education teacher or through a consultative model, when appropriate.

There is an anticipated cost to local governmental units to implement the proposed hospital/homebound policy. This policy may require LEAs to hire/contract on an average 2 additional highly qualified teachers. The yearly cost is projected to be approximately \$37,683 per teacher.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

These changes will have no impact on revenue collections of state or local government units as a result of this measure.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There are no cost or economic benefits to non-governmental groups affected by this rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no estimated impact on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#059

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Educational Leader Certification Policy (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This change in policy will delete the ISLCC School Leaders Portfolio as a requirement to move from a Level 1 to a Level 2 Educational Leadership certificate. A change was also made in the policy to delete the requirement for an Educational Leader Level 2 and Level 3 to continue to update the educational leader portfolio to renew this certification. At present, there has been no development of the ISLCC School Leaders Portfolio.

#### Title 28

#### EDUCATION

#### Part I. Board of Elementary and Secondary Education

#### Chapter 9. Bulletins, Regulations, and State Plans

#### Subchapter A. Bulletins and Regulations

#### §903. Teacher Certification Standards and Regulations

##### A. Bulletin 746

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 32:

#### Educational Leadership

##### Overarching Requirements

All graduate competency-based degree preparation programs, graduate alternative certification programs, assessments, and continuing learning units shall be aligned with the following state and national standards:

1. the standards for School Principals in Louisiana;
2. the Interstate School Leaders License Consortium (ISLLC) Standards for School Leaders; and
3. the Educational Leadership Constituent Council (ELCC) Standards for Advanced Programs in Educational Leadership, the standards used by the National Council for the Accreditation of Colleges of Teachers Evaluation (NCATE) for university program reviews.

#### Teacher Leader Endorsement (Optional)

Teachers who hold a valid Type B or Level 2 or higher Louisiana teaching certificate may add a Teacher Leader Endorsement to their teaching certificate by completing a state-approved Teacher Leader Institute that:

1. requires, at minimum, the equivalent of six graduate hours (90 contact hours);
2. includes a combination of face-to-face and field-based professional development activities which may include the use of a cohort approach;

3. provides support from and monitoring by current outstanding administrators serving as mentors and/or facilitators;

4. includes an electronic component (on-line and/or compressed video) to ensure each participant's access to key resources and to build a statewide network of qualified administrator candidates that could include the development of cohorts; and

5. requires the development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with national and state leader standards.

#### Renewal Guidelines

The Teacher Leader Endorsement requires a completion of a minimum of 150 continuing learning units of professional development every five years that are consistent with the leader's Individual Professional Growth Plan (IPGP).

Certification Levels—All educational leaders will progress through two levels of educational leader certification. An additional level of certification (Superintendent) is required for employment as a local district superintendent.

#### Educational Leader Certificate—Level 1

All candidates for school and district educational leadership positions (e.g., assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, or comparable school district leader positions) must meet the following requirements in order to receive an entry-level certificate in educational leadership.

Candidates for Level 1 Educational Leader Certification shall meet the following criteria:

1. hold or be eligible to hold a valid Louisiana Type A or Level 3 teaching certificate;
2. have completed a competency-based graduate degree preparation program in the area of educational leadership from a regionally accredited institution of higher education;
3. earn a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements;
4. persons who have met the requirements of 1-3 above are eligible for a Level 1 Educational Leader Certificate. Upon employment as a school district educational leader, an individual with Level 1 Educational Leader endorsement must enroll in the two-year Educational Leader Induction Program under the direction of the Louisiana Department of Education;
5. any individual, with Level 1 Educational Leader endorsement, employed as a school district educational leader shall have three years to complete the two-year Educational Leader Induction Program under the direction of the Louisiana Department of Education.

#### Educational Leader—Level 1 (Alternative Path)

All candidates for school and district educational leadership positions (e.g., assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, or comparable school district leader positions) must meet the following requirements in order to receive an entry-level certificate in educational leadership.

The alternative path to Level 1 certification is for those persons who hold a master's degree and are seeking to add

an Educational Leader certification shall meet the following criteria:

1. hold or be eligible to hold a valid Louisiana Type A or Level 3 teaching certificate;
2. have previously completed a graduate degree program from a regionally accredited institution of higher education;
3. have met competency-based requirements as demonstrated by completion of an individualized program of educational leadership from a regionally accredited institution of higher education. An individualized program will be developed based on a screening of each candidate's competencies upon entering into the graduate alternative certification program;
4. earn a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements;
5. persons who have met the requirements of 1-4 above are eligible for a Level 1 Educational Leader Certificate. Upon employment as a school district educational leader, an individual with Level 1 Educational Leader endorsement must enroll in the two-year Educational Leader Induction Program under the direction of the Louisiana Department of Education;
6. any individual, with Level 1 Educational Leader endorsement, employed as a school district educational leader shall have three years to complete the two-year Educational Leader Induction Program under the direction of the Louisiana Department of Education.

#### **Educational Leader Certificate—Level 2**

All candidates must meet the following requirements in order to receive a five-year renewable professional certificate in education leadership.

Candidates for initial Level 2 Educational Leader (Professional) Certification shall meet the following criteria:

1. hold a valid Level 1 Educational Leader Certificate;
2. complete a two-year induction program under the guidance of the mentor trained in accordance with standards set by the Louisiana Department of Education and outlined in Bulletin 741, *Louisiana Handbook for School Administrators*. The induction period begins upon the individual's first full-time administrative appointment (whether permanent or acting) as a assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, or comparable school district leader positions; and is to be completed within a three year period.

#### **Renewal Requirements**

Level 2 Educational Leaders must complete a minimum of 150 continuing learning units of professional development over a five-year time period that are consistent with the leader's Individual Professional Growth Plan (IPGP).

#### **Education Leader Certificate—Level 3 (Superintendent)**

All candidates must meet the following requirements in order to receive a five-year Level 3 Educational Leader Certificate to become a Superintendent. The five-year certification period is activated with the candidate's first full-time appointment as a Superintendent.

Candidates for initial Level 3 Educational Leader (Professional) Certification shall meet the following criteria:

1. hold a valid Louisiana Level 2 Educational Leader Certificate;
2. have had five years of successful administrative or management experience in education at the level of principal or above;
3. earn a passing score on the School Superintendent Assessment (SSA) in keeping with state requirements.

#### **Renewal Requirements**

Level 3 Educational Leaders must complete a minimum of 150 continuing learning units of professional development over a five-year time period that are consistent with the leader's Individual Professional Growth Plan (IPGP).

\* \* \*

#### **Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Educational Leader Certification Policy**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This change in policy will delete the ISLCC School Leaders Portfolio as a requirement to move from a Level 1 to a Level 2 Educational Leadership certificate. A change was also made in the policy to delete the requirement for an Educational Leader Level 2 and Level 3 to continue to update the educational leader portfolio to renew this certification. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#034

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 746—Louisiana Standards for State Certification of School Personnel—Out-of-State Certification Policy (LAC 28:I.903)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy will require an individual coming from another state, who is applying for a Louisiana teaching certificate, to have the completion of a teacher preparation program in another state. This individual must also be certified or eligible for certification in the state where his/her teacher preparation program was completed. At present, for an individual from another state to receive a Louisiana certificate they may either have the completion of a teacher preparation program or have been issued a certificate from another state gained by some other alternate route. This individual also may not have been certified in the state where the preparation program was completed.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations**

**A. Bulletin 746**

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 32:

**Out-of-State (OS) Certificate**

An Out-of-State (OS) Certificate, valid for a three-year period, is not renewable. It is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a certificate in the state in which the program was completed. The teacher is not initially eligible for a Level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the

exception of the Praxis/National Teacher Exam requirements. It provides a transition period that permits the holder to be employed in Louisiana K-12 schools while he/she complies with Louisiana Praxis/NTE requirements or meets Praxis exclusion eligibility requirements. For continued employment as a teacher in a Louisiana school system after the three-year period has elapsed, the OS certificate holder must fulfill guidelines for a Level 1 or higher-level certificate.

**A. Eligibility Requirements**

1. baccalaureate degree from a regionally accredited college or university;
2. completed a teacher preparation program in another state;
3. standard teaching certificate issued by the state in which the teacher preparation program was completed; or if no certificate was issued, a letter from the State Department of Education verifying eligibility in that state for a certificate in the certification area(s);
4. completed student teaching or internship in a certification area, or in lieu of student teaching or internship has three years of successful teaching experience in a certification area;
5. if applicant earned a degree five or more years prior to the date of application, he/she must have been a regularly employed teacher for at least one semester, or 90 consecutive days, within the five-year period immediately preceding first employment in Louisiana or application for a Louisiana certificate. Lacking this experience, he/she must earn six semester hours of credit in state-approved courses (see Appendix C) during the five-year period immediately preceding application.

**B. Advancing from OS to Professional Level 1, 2, or 3 Certificate**

1. Pass all parts of Praxis exam(s) required for Louisiana certification.
  - a. Applicant must present the appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued.
  - b. If applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification.
  - c. A candidate who is certified in another state can qualify for exclusion from the Praxis exam(s) required for Louisiana certification under these criteria.

1). He/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least four years of successful teaching experience in another state, as determined by the board; and teaches on an OS certificate for one year in a Louisiana public school system.

2). The teacher's Louisiana employing authority verifies that he/she has completed one year of successful teaching experience in a Louisiana public school and that he/she has been recommended for further employment.

3). The employing authority requests that he/she be granted a valid Louisiana teaching certificate.

2. Louisiana Teacher Assistance and Assessment Program (LaTAAP) Exclusion Options

a. For an out-of-state teacher to be considered for LaTAAP exclusion, the Request for Exclusion and Release of Evaluation Information Form must be completed, signed, and returned to the employing school system within six-weeks of employment. The teacher's signature indicates willingness to release the results of previous evaluation information to the Louisiana Department of Education. An unsigned form will automatically deny a request for exclusion.

b. Out-of-state teachers who provide NBC or appropriate evaluation results from their immediate previous teaching assignment will be exempt from participation in LaTAAP. Appropriate evaluation results shall be defined as satisfactory annual evaluation results identified by and certified by the immediate previous out-of-state school district(s).

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Out-of-State Certification Policy**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy will require an individual coming from another state, who is applying for a Louisiana teaching certificate, to have the completion of a teacher preparation program in another state. This individual must also be certified or eligible

for certification in the state where his/her teacher preparation program was completed. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#035

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 746—Louisiana Standards for State Certification of School Personnel—Practitioner Teacher Program Policy (LAC 28:I.903)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds the Early Childhood PK-3 certification through the Practitioner Teacher Program alternate program structure. There is a need in both public and private schools for teachers with Early Childhood PK-3 certification. At this time, PK-3 alternate certification is available only through the Non-Master's or the Master's Degree alternate certification program structure. Providers are interested in expanding alternate certification opportunities to include a PK-3 option through the Practitioner Teacher Program alternate program structure.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations  
A. Bulletin 746**

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 32:

\* \* \*

## II. The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements)

State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a Practitioner Teacher Program for certification in Grades PK-3,1-5, 4-8, 6-12, All-Level K-12 (art, dance, foreign language, health and physical education, and music), or Mild/Moderate Special Education. The Practitioner Teacher Program is a streamlined certification path that combines intensive coursework and full-time teaching.

A. ADMISSION TO THE PROGRAM: Program providers work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during fall and spring. For admission, candidates must:

1. possess a baccalaureate degree from a regionally accredited university;

2. have 2.50 or higher grade point average (GPA) on a 4.00 scale to enter a private provider program;

3. have 2.20 or higher grade point average (GPA) on a 4.00 scale to enter a college or university program;

4. pass the Praxis Pre-Professional Skills Tests (PPSTs) in reading, writing, and mathematics. Candidates who already possess a graduate degree will be exempted from this requirement;

5. pass the Praxis content specific examinations:

a. candidates for Grades PK-3: Pass Elementary Education: Content Knowledge (#0014);

b. candidates for Grades 1-5 (regular education and mild/moderate): Pass Elementary Education: Content Knowledge (#0014);

c. candidates for Grades 4-8 (regular education and mild/moderate): Pass the middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. candidates for Grades 6-12 (regular education and mild/moderate): Pass the secondary subject-specific examination(s) for the content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area;

NOTE: Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam. Secondary education candidates (grades 6-12) must pass a Praxis core subject area exam. If there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 31 semester credit hours in the core subject area;

e. candidates for All-Level K-12 areas of art, dance, foreign language, health and physical education, and music: Pass the subject-specific examination for content area(s) to be certified. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

6. Meet other non-course requirements established by college or university.

## B. TEACHING PREPARATION (Summer)

1. All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).

2. Grades PK-3 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child development or psychology, family and community relationships, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships. (12 Credit hours or equivalent 180 contact hours)

3. Grades 1-5, 4-8, and 6-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child or adolescent development or psychology, the diverse learner, assessment, instructional design, and instructional strategies before starting their teaching internships. (9 Credit hours or equivalent 135 contact hours)

4. Mild/Moderate Special Education practitioner teachers will successfully complete courses or equivalent contact hours that focus on special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities. (9 Credit hours or equivalent 135 contact hours)

5. All-Level K-12 practitioner teachers will successfully complete courses or equivalent contact hours that focus on child and adolescent psychology, the diverse learner, classroom management and organization, assessment, instructional design, and instructional strategies across grade levels K-12 before starting their teaching internships. (9 Credit hours or equivalent 135 contact hours)

C. TEACHING INTERNSHIP AND FIRST-YEAR SUPPORT: 12 credit hours or equivalent 180 contact hours.

1. Practitioner teachers assume full-time teaching positions in districts. During the school year, these individuals participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers, and receive one-on-one supervision through an internship provided by the program providers.

2. Practitioner teachers participating in the LaTAAP will receive support from school-based mentor teachers provided by the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and principals. Practitioner teachers who are not participating in the LaTAAP or who have successfully completed the LaTAAP will be provided a mentor by the program provider.

3. For all-level areas (art, dance, foreign language, health and physical education, and music), field experiences should be provided across grades K-12.

D. TEACHING PERFORMANCE REVIEW (End of First Year)

1. Program providers, principals, mentors, and practitioner teachers form teams to review first-year teaching performance of practitioner teachers and determine the

extent to which the practitioner teachers have demonstrated teaching proficiency.

2. If weaknesses are cited, teams will identify additional types of instruction to address areas of need. Prescriptive plans that require from one to nine credit hours of instruction, or 15 to 135 equivalent contact hours, will be developed for practitioner teachers.

E. **PRESCRIPTIVE PLAN IMPLEMENTATION (Second Year)**—One to Nine credit hours, or 15 to 135 contact hours. Candidates who demonstrate areas of need will complete 30 prescriptive plans.

F. **TOTAL HOURS REQUIRED IN THE PROGRAM**

1. Grades PK Program 24-33 credit hours (or equivalent 360-495 contact hours)

2. Grades 1-5, 4-8, 6-12, All-Level (K-12) and Mild/Moderate Special Education 21-30 credit hours (or equivalent 315-450 contact hours)

G. **PRAXIS REVIEW (Second Year)**. Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the Praxis.

H. **PROGRAM REQUIREMENTS** must be met within a three-year time period. For certification purposes, private providers and colleges or universities will submit signed statements to the Department of Education indicating that the student completing the Practitioner Teacher Program alternative certification path met the following requirements:

1. passed the PPST components of the Praxis (Note: This test was required for admission).

2. completed the teaching preparation and teaching internship segments of the program with a 2.50 or higher GPA on a 4.00 scale.

3. completed prescriptive plans (if weaknesses were demonstrated).

4. passed the Praxis specialty examination for the area(s) of certification. (Note: This test was required for admission):

a. Grades PK-3: Elementary Education: Content Knowledge (#0014);

b. Grades 1-5 (regular and special education): Elementary Education: Content Knowledge (#0014);

c. Grades 4-8 (regular and special education): Middle school subject-specific licensing examination(s) for the content area(s) to be certified;

d. Grades 6-12 (regular and special education): Secondary subject-specific examination(s) for the content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

e. All-Level K-12 areas (art, dance, foreign language, health and physical education, and music): Subject-specific examination(s) for content area(s) to be certified. If no examination was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program;

5. Passed the pedagogy examination (Praxis):
  - a. Grades PK-3: Early Childhood Education (#0020);
  - b. Grades 1-5: Principles of Learning and Teaching K-6;
  - c. Grades 4-8: Principles of Learning and Teaching 5-9;
  - d. Grades 6-12: Principles of Learning and Teaching 7-12;
  - e. All-Level K-12 Certification: Principles of Learning and Teaching K-6, 5-9, or 7-12;
  - f. Mild/Moderate Special Education: Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Mild to Moderate Disabilities (#0542);

6. All candidates entering an alternate certification program after May 1, 2004, must demonstrate proficiency in the Reading Competencies as adopted by the BESE through either of the following:

a. Successfully complete the same number of semester hours in reading as required for undergraduate teacher preparation programs, as follows:

1). Early Childhood PK-3 or Elementary 1-5 programs, nine (9) hours;

2). Middle Grades 4-8 programs, 6 hours;

3). Secondary 6-12 or All-Level K-12 programs, 3 hours; or

b. Pass a reading competency assessment.

I. **Ongoing Support (Second and Third Year)**: Program providers will give support services to practitioner teachers during their second and third years of teaching. Support types may include on-line support, internet resources, special seminars, etc.

J. **Professional License**: A practitioner teacher will be issued a Practitioner License upon entrance to the program, and will be issued a Level 1 Professional License upon successful completion of all program requirements. After three years of teaching in the area of certification and successful completion of the Louisiana Teacher Assistance and Assessment Program, he/she will be eligible for a Level 2 license.

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel  
Louisiana Requirements—PRAXIS/NTE Scores (LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This policy specifies the exam and passing score for the following certification area: Educational Leader—Level 3 (Superintendent). A PRAXIS exam will be available for the first time for certification as a superintendent. The board periodically reviews new exams for certification in Louisiana and sets the cut scores for these exams. The School Superintendent Assessment (SSA) will be available for the first time for individuals seeking certification as an Educational Leader—Level 3. Adoption of this score will allow the new educational leader certification policy to be implemented.

**Title 28**

**EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
Subchapter A. Bulletins and Regulations  
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 32:

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4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Practitioner Teacher Program Policy**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This policy adds the Early Childhood PK-3 certification through the Practitioner Teacher Program alternate program structure. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will have no effect on competition and employment.

Marlyn Langley  
Deputy Superintendent  
Management and Finance  
0512#036

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**Louisiana Requirements—PRAXIS/NTE SCORES**

**PRE-PROFESSIONAL SKILLS TESTS**

(Required for all Louisiana candidates to enter teacher preparation programs.)

PRE-PROFESSIONAL SKILLS TEST	Test #	Score	PRE-PROFESSIONAL SKILLS TEST	Test #	Score
PPST:R – Pre-Professional Skills Test: Reading	0710	172	Computer-Based Tests (prior to 1/16/02): CBT Reading CBT Writing CBT Mathematics	0711 0721 0731	319 316 315
PPST:W – Pre-Professional Skills Test: Writing	0720	171			
PPST:M – Pre-Professional Skills Test: Mathematics	0730	170			
Computerized PPST (1/16/02 and after)—same passing scores as written PPST:					
Reading	5710	172			
Writing	5720	171			
Mathematics	5730	170			

**CONTENT AND PEDAGOGY REQUIREMENTS**

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
<b>Early Childhood PK-3</b>	Elementary Content Knowledge (0014) Prior to 5/31/04 Effective 6/1/04	147 150	Prior to 6/1/04: PLT K-6 or ECE 0020; After 5/31/04: Early Childhood Education 0020 (Score 510)			
Grades 1-5	Elementary Content Knowledge (0014) Prior to 5/31/04 Effective 6/1/04	147 150	161	---		---
Grades 4-8 Generic	Middle School: Content Knowledge (0146) Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154		---
Grades 4-8 Mathematics	Middle School Mathematics (0069)	148	---	154		---
Grades 4-8 Science	Middle School Science (0439) Prior to 5/31/2006 Effective 6/1/2006 Effective 6/1/2009	140 145 150	---	154		---
Grades 4-8 Social Studies	Middle School Social Studies (0089)	149	---	154		---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)	160	---	154		---
<b>Grades 6-12 Certification Areas</b>						
Agriculture	Agriculture (0700) Effective 7/1/05	510	---	---		161
Biology	Biology & General Science (0030) Prior to 6/30/05 Biology: Content Knowledge (0235) Effective 7/1/05	580 150	---	---		161
Business	Business Education (0100) Prior to 5/31/04 Effective 6/1/04	540 570	---	---		161
Chemistry	Chemistry/Physics/General Science (0070) Chemistry: Content Area (0245) Effective 7/1/06	530 151				161
English	English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	---	---		161
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)	510	---	---		161
French	French (0170) Prior to 5/31/04 French: Content Knowledge (0173) Effective 6/1/04	520 156	---	---		161

General Science	Biology & General Science (0030) –OR– Chemistry/Physics/General Science (0070) Prior to 6/30/05 General Science: Content Knowledge (0435) Effective 7/1/05	580 530 156	---	---		161
German	German (0180) German: Content Knowledge (0181) Effective 7/1/06	500 151	---	---		161
Mathematics	Mathematics (0060) Prior to 5/31/04 Mathematics: Content Knowledge (0061) Effective 6/1/04 Effective 6/1/07 Effective 6/1/10	550 125 130 135	---	---		161
Physics	Chemistry/Physics/General Science (0070) Physics: Content Knowledge (0265) Effective 7/1/06	530 141				161
School Librarian	Library Media Specialist (0310)	560	---	---		---
Social Studies	Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	---	---		161

Spanish	Spanish (0190) Prior to 5/31/04 Spanish: Content Knowledge (0191) Effective 6/1/04	540 160	---	---		161
Speech	Speech Communications (0220) Effective 7/1/05	575	---	---		161
Technology Education (formerly Industrial Arts)	Technology Education (0050) Effective 7/1/05	600	---	---		161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	A content area exam is not required for certification in Louisiana.	---	---	---		161
<b>ALL-LEVEL K-12 AREAS</b>						
Grades K-12 Art	Art: Content Knowledge (0133) Effective 7/1/05	155	161	or	154	or 161
Grades K-12 Dance	None Available**	---	161	or	154	or 161
Grades K-12 Foreign Languages	French (0170) Prior to 5/31/04 French: Content Knowledge (0173) Effective 6/1/04	520 156	161	or	154	161
	German (0180) German: Content Knowledge (0181) Effective 7/1/06	500 TBA				
	Spanish (0190) Prior to 5/31/04 Spanish: Content Knowledge (0191) Effective 6/1/04	540 160				
Grades K-12 Music	Music Education (0110) Prior to 5/31/04 Music: Content Knowledge (0113) Effective 6/1/04	530 151	161	or	154	or 161
Grades K-12 Health and Physical Education	Physical Education (0090) Prior to 5/31/04 Phys. Education: Content Knowledge (0091) Effective 6/1/04	550 146	161	or	154	or 161

\*\*At this time, a content area exam is not required for certification in Louisiana.

### SPECIAL EDUCATION AREAS

Area	Content Exam	Score	Pedagogy Requirement	Score
Special Education (All Areas)	Prior to 6/1/04, required only for entry into new Mild /Moderate alternate certification programs		Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) OR PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04 Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Candidate must pass content area exam appropriate to certification level 1-5, 4-8, 6-12 Effective 6/1/04		Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild Moderate Disabilities (0542) Effective 6/1/04	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

### ADMINISTRATIVE AREAS

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410)	620
Educational Leader – Level 1	School Leaders Licensure Assessment (1010) Effective 7/1/06	168
Educational Leader – Level 3	School Superintendent Assessment (SSA) Effective 7/1/06	154

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

\* \* \*

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., February 8, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Louisiana Requirements—PRAXIS/NTE Scores**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
This policy specifies the exam and passing score for the following certification area: Educational Leader—Level 3 (Superintendent). A PRAXIS exam will be available for the first time for certification as a superintendent. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The only costs are those for testing fees applicable to the specific certification area affected by this change, and only individuals pursuing credentials as a superintendent would be affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This policy will have no effect on competition and employment.

Marlyn J. Langley  
Deputy Superintendent  
0512#037

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Education  
Board of Regents**

Insurance; Surety Bonds  
(LAC 28:IX.Chapters 1-5)

In accordance with the Administrative Procedure Act, R.S. 17:1808 et seq., notice is hereby given that the State Board of Regents for advertisement an amendment to LAC 28:IX, Regents.

R.S. 17:1808 of Louisiana requires all postsecondary, academic degree-granting institutions to be registered with the Board of Regents. Institutions that are not exempt through certain provisions of R.S. 17:1808 are also required to be licensed by the Board of Regents. Currently, there are approximately 40 institutions licensed by the Board of Regents. These institutions include 2-year and 4-year colleges, public, in-state, and out-of-state institutions operating programs in Louisiana. Louisiana's public institutions and members of the Louisiana Association of Independent Colleges and Universities (LAICU) are exempt from Board of Regents' licensure.

There will be two substantial changes to the Rule.

1. The license application fee will increase from \$750 to \$1,000 per year.
2. Accredited institutions will be exempt from being required to purchase a \$10,000 surety bond.

**Title 28  
EDUCATION  
Part IX. Regents**

**Chapter I. Rules for Registration and Licensure**

**§101. Definition of Terms**

A. Terms used in these regulations such as *Board of Regents*, *Postsecondary*, *Academic Degree-granting Institution*, *Registration*, *Licensure*, and *Fees* shall be interpreted in accordance with R.S. 17:1808.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), repromulgated LR 32:

**§103. Registration and License Applications**

A. All public and private postsecondary, academic degree-granting institutions offering instruction in the state of Louisiana must register annually with the Board of Regents. Regular licenses are reviewed every two years. Requests for registration forms and license applications should be made in writing and addressed to:

Commissioner of Higher Education  
Louisiana Board of Regents  
P.O. Box 3677  
Baton Rouge, LA 70821-3677

B. Completed registration forms and license applications should be returned to the address shown above.

C. License applications must be accompanied by a nonrefundable license application fee of \$1,000. The license application fee must be paid by company or institutional check or by money order, and should be made payable to the Louisiana Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 21:168 (February 1995), LR 32:

#### **§105. License Fees**

A. The license application fee shall be \$1,000. Those institutions granted a license to operate will be required to pay an additional \$1,000 at the start of the second year of the two-year licensing period. License renewal fees are required during each subsequent two-year licensing period and are nonrefundable.

B. If a request for license renewal is not received at the Board of Regents' offices at least 30 days prior to its expiration date, the institution can be subject to a delinquent fee of \$500 in addition to the renewal fee.

C. The Board of Regents may authorize assessment of special or supplemental fees to be paid by registered institutions pursuant to special actions or requests.

D. Institutions seeking licensure shall submit all required materials and the nonrefundable license fee to the Board of Regents. If a final determination concerning the institution's qualifications for licensure is not reached within 180 days of receipt of the complete license application, a provisional license will be issued to the institution. The provisional license will remain in effect pending a final licensing decision by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 21:168 (February 1995), LR 32:

#### **§107. Information Requirements for Registration<sup>1</sup>**

A. All postsecondary, academic degree-granting institutions are required to provide the following information on an annual basis:

1. name and in-state address of the institution;
2. location of its main campus or office;
3. a role, scope, and mission statement;
4. degrees offered in Louisiana;
5. courses offered in Louisiana;
6. the name of the institution's chief executive officer and chief financial officer;
7. names and addresses of the institution's governing board members, if applicable;
8. description of its physical facilities in Louisiana;
9. information relative to the institution's accreditation or official candidacy status from a regional or professional accrediting agency recognized by the United States Department of Education;
10. for institutions domiciles in Louisiana, total enrollment at institution. For institutions domiciles outside of Louisiana, enrollment of Louisiana residents at institution;
11. other information as specified by the Board of Regents.

<sup>1</sup>Registration with the Board of Regents shall in no way constitute state approval or accreditation of any institution and shall not be used in any form of advertisement by any institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 32:

### **Chapter 3. Criteria and Requirements for Licensure**

#### **§301. General Standards**

A. General standards for public and private academic degree-granting institutions offering similar degrees and titles must be as close as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:168 (February 1995), repromulgated LR 32:

#### **§302. Accreditation**

A. Institutions must hold accreditation through an association recognized by the U.S. Department of Education. Institutions domiciled outside the state of Louisiana must be fully accredited by an accrediting body recognized by the U.S. Department of Education prior to making an application for licensure with the Board of Regents. Institutions domiciled in the state of Louisiana must either hold recognized accreditation or must make formal application and obtain accreditation from a U.S. Department of Education recognized accrediting association by a date determined by the Board of Regents as a requirement for licensure.

B. Institutions seeking accreditation that have been found to meet other requirements set forth by the Board of Regents will be granted a conditional license until such time that they are accredited, or at a minimum, receive candidacy status from a recognized accrediting association. An institution that does not receive accreditation within the specified time frame may have its conditional license revoked by the Board of Regents.

C. The Board of Regents will consider a possible waiver of the accreditation requirement in the case of single purpose institutions. This consideration will be given in circumstances where the board determines that it would be educationally impractical for an institution to reorganize its programs and operations in order to become eligible for consideration by a U.S. Department of Education recognized accrediting association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:168 (February 1995), repromulgated LR 32:

#### **§303. Faculty**

##### **A. Qualifications of Faculty**

1. Faculty shall be qualified by education and experience in the fields in which they teach. Faculty must meet the following minimum requirements.

a. Faculty shall possess no less than the degree awarded to a graduate of the program in which they are teaching.

b. The faculty shall be sufficient in number to establish and maintain the effectiveness of the educational program.

B. Institutions offering advanced degrees must employ only faculty who hold advanced degrees in appropriate fields from institutions accredited by recognized agencies.<sup>1</sup> It is required that faculty credentials be verifiable.

1. If any institution wishes to employ a faculty member whose highest earned degree is from a non-regionally-accredited institution within the United States or

an institution outside the United States, the institution must show evidence that the faculty member has appropriate academic preparation.

2. It is the responsibility of the institution to keep on file for all full-time and part-time faculty members documentation of academic preparation, such as official transcripts, and if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, and certifications and other qualifications.<sup>2</sup>

<sup>1</sup> Recognized accrediting agencies are those approved by the United States Department of Education.

<sup>2</sup> Source: Southern Association of Colleges and Schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 32:

### **§305. Academic Program Standards**

A. All curricula leading to academic credits, certification, and degrees shall be formulated and evaluated by qualified faculty with appropriate education and experience acceptable to public postsecondary, academic degree-granting institutions in Louisiana and elsewhere in the nation.

B. Institutions shall provide prospective students and other interested persons with the following information:

1. admissions policies;
2. program descriptions and objectives;
3. schedule of tuition, fees, and other charges;
4. cancellation and refund policies;
5. schedule of classes;
6. other material information about the institution and its programs which may impact a student's enrollment decision.

C. Institutions must provide programs of sufficient quality and content to achieve stated learning objectives. Curricula offered by the institutions must be formulated and evaluated by faculty with appropriate earned degrees from institutions with U.S. Department of Education recognized accreditation. Institutions are also required to establish procedures for evaluating program effectiveness.

D. Institutions must indicate the means for determining satisfactory academic progress and have available data on student retention, graduation rates, job placement, and passing rates on licensure or certification exams, where appropriate.

E. Currently licensed institutions seeking to implement new academic degree programs must first advise the Board of Regents of the proposed change. New programs will be included as part of the regular license renewal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 32:

### **§307. Physical Plant Standards**

A. Library

1. The institution shall maintain and/or provide student access to an appropriate library collection with adequate support staff, services, and equipment. Any contractual agreements with libraries not directly affiliated with the institution shall be available in writing to the Board of Regents.

B. Facilities and Equipment

1. The institution shall maintain or provide access to appropriate administrative, classroom, and laboratory space, and appropriate equipment and instructional materials to support quality education based on the type and level of program being offered. Facilities must comply with all health and safety laws and ordinances, including the American with Disabilities Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 32:

### **§309. Financial Operations**

A. The business and financial management of the institution shall be directed by a qualified and bonded business officer responsible to the institution's chief executive officer.

B. Institutions are required to maintain adequate insurance to protect the operation of the institution and to guard against any personal or public liability.

C. All institutions shall provide the Board of Regents with a financial review prepared in accordance with standards established by the American Institute of Certified Public Accountants. However, any institution accredited by an agency recognized by the United States Department of Education may, at its discretion, submit financial statements prepared in accordance with rules and guidelines established by the accrediting agency.

D. Institutions shall maintain and update a long-range financial development plan for the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), repromulgated LR 32:

### **§311. Maintenance of Records**

A. Institutions are required to keep records for a minimum of three years which detail:

1. the composition and background of students, faculty, and administrative staff;
2. the institution's physical plant including land, buildings, library, and research facilities;
3. copies of brochures, catalogs, and advertising which describe student admissions, programs, and scholarships.

B. A student's records must be available for review by that student at the institution's central office.

C. Individual student records must contain:

1. the student's application for admission;
2. academic records;
3. all obligations incurred and all funds paid by the student to the institution;
4. student attendance information;
5. counseling records;
6. financial aid records.

D. Student records shall be available and readily accessible for use and review by authorized officials of the institution and authorized representatives of the Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 32:

### **§313. Student Services<sup>1</sup>**

A. Institutions shall provide orientation and counseling services throughout enrollment. Special services including financial aid, employment placement for graduates, and student housing, if appropriate, must be evaluated periodically by the institution to determine effectiveness in meeting student needs and contribution to the educational purpose of the institution.

<sup>1</sup>The Board of Regents recommends that prospective students seek independent job/career counseling prior to enrollment in an academic degree-granting postsecondary institution and encourages such institutions to promote this recommendation.

AUTHORITY NOTE: Promulgated in accordance with 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), repromulgated LR 32:

### **§315. Organization and Administration**

A. An institution shall establish a governing structure which delineates responsibility for institutional operations, policy formation, and the selection of the institution's chief executive officer. If the institution is governed by a board or group of officers, the role and responsibilities of that body must be clearly defined.

B. Administrative personnel must possess qualifications which support the institution's stated purpose and effective operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), repromulgated LR 32:

### **§317. Procedures for Tuition and Fee Refunds**

#### **A. Pricing and Refund Policy**

1. The institution must fully disclose the cost of attendance, including all charges, tuition and fees in writing to prospective students. The parent or guardian of prospective students under legal adult age must be notified in writing of the costs of attendance prior to enrollment.

2. Prospective students shall not be required to make a nonrefundable tuition payment until it has been determined that the prospective student has been accepted for enrollment.

3. The institution's refund policy must be disclosed in the institution's catalog and other informational materials.

4. Institutions are required to follow the minimum standards for tuition refunds as set forth herein. These guidelines are:

a. students who withdraw prior to the first day of classes are entitled to a full refund of tuition and fees. Institutions may, however, require a nonrefundable application fee;

b. any administrative fees retained by the institution upon the early withdrawal of a student shall not exceed 15 percent of the total cost of tuition and fees paid by the student;

c. institutions which financially obligate students on a quarter, semester, or similar basis will be subject to the following tuition and fee refund policy:

i. students withdrawing during the first 10 days of classes shall receive a minimum refund of 75 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

ii. students withdrawing from day 11 through day 24 of classes shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

iii. students withdrawing from day 25 through the end of the quarter, semester, or similar time period are ineligible to receive a refund;

d. institutions which financially obligate students for longer periods of time, i.e., periods exceeding six months, shall be subject to the following tuition and fee refund policy:

i. students completing up to 25 percent of the course of study shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

ii. students completing more than 25 percent but less than 50 percent of the course of study shall receive a minimum refund of 25 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

iii. students withdrawing after at least half the program of study has been completed are ineligible to receive a refund;

iv. refund policies for programs offering tuition/fee payments on an installment plan may be examined by the Board of Regents on an individual basis. Refund policies for installment programs are expected to conform generally to refund policies which appear in Clauses A.4.c.i through iii and d.i through iv of this Section;

e. refunds must be paid within 30 days of the date of withdrawal of the student from the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), amended LR 32:

### **§319. Surety Bonding**

A. Institutions which do not hold regional or nationally recognized accreditation are required to post a surety bond issued by a surety authorized to do business in the state of Louisiana in the amount of \$10,000 to cover the period of the license. These bonds are intended to protect students in the event of a sudden closure of the institution. Institutions that are also licensed and bonded under R.S. 17:3141 need not seek additional bonding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 32:

### **§321. Rules and Guidelines on Advertising<sup>1</sup>**

A. Registration with the Board of Regents shall in no way constitute state approval or accreditation of any institution and shall not be used in any form of advertising by any institution.

B. Licensed institutions may use the state name and licensing agency as follows.

1. (*Name of Institution*) is currently licensed by the Board of Regents of the State of Louisiana. Licenses are renewed by the State Board of Regents every two years. Licensed institutions have met minimal operational standards set forth by the state, but licensure does not constitute accreditation, guarantee the transferability of credit, nor signify that programs are certifiable by any professional agency or organization.

2. Any licensed institution wishing to use the state name and licensing agency in any promotion or advertising is restricted to the language which appears above. The statement must appear in its entirety and any modifications are not permissible under these rules or the law.

3. Advertising shall not include false or misleading statements with respect to the institution, its personnel, courses, or services, or the occupational opportunities of its graduates.

4. Institutions claiming accreditation by agencies not recognized by the United States Department of Education must clearly state in all advertising and promotional literature that the institutions' accreditation is not recognized by either the United States Department of Education or the State of Louisiana.

<sup>1</sup>Neither the institution nor its agents shall engage in false advertising or other misleading practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), repromulgated LR 32:

### **§323. Hearings and Appeals**

A. Institutional hearings and appeals are handled in accordance with guidelines set forth in R.S. 17:1808, §1(E)(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), repromulgated LR 32:

### **§325. Sale of Ownership and Transfer of License**

A. In the event that an institution sells all or a majority interest in its ownership, it is required to notify the Board of Regents of both expected and final sale. A review of the institution's operations and objectives will be required upon final sale to determine if the institution's operating license should be transferred to the new ownership. Any and all costs associated with the Board of Regents' review will be borne by the new ownership of the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995), repromulgated LR 32:

### **§327. Licensure Denial**

A. Any institution denied licensure by the Board of Regents that wishes to seek reconsideration by the board is required to wait a minimum of 24 months before resubmitting its license application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995), repromulgated LR 32:

## **Chapter 5. Consumer Protection**

### **§501. General Provisions**

A. Individuals must make reasonable effort to solve disputes directly with the institution. If a solution cannot be reached, an individual may file a written complaint with the Board of Regents. Board of Regents' staff will review the facts and intervene where appropriate. Such intervention shall not include legal action on behalf of the party, but may include additional investigation of the institution including a site visit to determine if the institution's license should be revoked.

#### **B. Disciplinary Provisions and Administrative Penalties**

1. The Board of Regents may institute disciplinary proceedings against a licensed agent who engages in false or misleading advertising. The Board of Regents may also require an institution to submit all advertising for approval prior to use.

2. It is illegal for institutions which come under the jurisdiction of the Board of Regents to advertise, recruit students for, and/or operate educational programs in the state of Louisiana unless properly registered and licensed.

3. Penalties may be assessed for the following violations:

- a. operating an institution without a license;
- b. deceptive or fraudulent advertising;
- c. offering an unapproved program;
- d. other violations as determined by the Board of Regents.

4. Violations may result in suspension of student enrollments where patterns of abuse and willful misconduct have been established.

#### **C. Meetings, Site Visits, and Reports**

1. The Board of Regents, at its discretion, may conduct preliminary conferences with institutional officers and board members to discuss standards and procedures for implementing licensure.

2. The Board of Regents may require a site visit and examiner's report at the cost of the institution. The cost shall not exceed the actual dollar amount incurred by the Board of Regents.

3. Site visits could include an inspection of facilities, books, school files and records, as well as interviews with administrators, faculty, and students.

4. Examiners would submit a report following the site visit with recommendations pertaining to the licensure of the institution.

#### **D. Enforcement**

1. The attorney general is authorized to seek injunctive relief against an institution operating in noncompliance with the law. All costs incurred by the state of Louisiana in connection with such action shall be borne by the institution if it is found to be operating illegally.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), repromulgated LR 32:

### **Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted,

amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., January 9, 2006, to Larry Tremblay, Board of Regents, P. O. Box 3677, Baton Rouge, LA 70821-3677.

E. Joseph Savoie, Ed.D.  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Insurance; Surety Bonds

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Increased costs to administer R.S. 17:1808 have been absorbed by the administering agency since the license application fee was last increased in 1995. Since, data systems have also been updated and site visits have increased. The implementation of the proposed rule change will not cost the state any additional dollars. The increase in fees (which is part of the proposed rule change) will provide additional revenue to administer the program which has become more reliant on state general funds in the absence of any increased revenues over the past ten years.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the license application fee increase will increase self-generated revenues by an estimated amount of \$10,000 per year.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Each licensed institution will have an additional cost of \$250 per year for the license application fee. Accredited institutions will accrue savings accrued as they will no longer have to purchase a \$10,000 surety bond. Many licensed out of state institutions are state supported. Purchasing a surety bond is burdensome for self-insured states which do not typically deal with insurance agencies.

The surety bond is estimated to cost institutions approximately \$1000 annually. Therefore, the net savings to each institution from this rule change will be approximately \$750 annually, leaving Louisiana's fees still amongst the lowest in the United States.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Not applicable.

E. Joseph Savoie, Ed. D.  
Commissioner  
0512#114

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Board for Hearing Aid Dealers

Conduct and Licensing  
(LAC 46:XXXIX.301, 501, 503, 901, and 903)

Under the authority of R.S. 37:2457, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Board for Hearing Aid Dealers, proposes to amend the LAC 46:XXXIX.301, 501, 503, 901, and 903, to determine which evidence and testimony is relevant for revocation or suspension of a hearing aid dealer's license.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXIX. Hearing Aid Dealers

#### Chapter 3. Ethics

#### §301. Unethical Conduct

A. It shall be the responsibility of each holder of a license, temporary training permit, or certificate of endorsement under R.S. 37:2441-2465 to be familiar with and to avoid commission of any of the acts regarded as unethical practices by the Act. Full responsibility for the ethical conduct of a temporary training permit holder shall rest with the license or certificate holder who sponsored his application for a temporary training permit; provided, however, that such sponsoring license or certificate holder may relieve himself of such responsibility by discharging the holder of the temporary training permit, returning said license by registered mail, to the board, together with a letter explaining fully the circumstances under which the temporary training permit holder was separated from the employment of the sponsor. If the certificate cannot be returned, full explanation shall be included in same letter.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:

#### Chapter 5. Application for License

#### §501. Application Forms; Fee

A. Every person requesting an application for a license or certificate of endorsement under this act shall be furnished the necessary form.

B. The application forms shall be designed to provide the board with the information necessary to satisfy itself that all requirements pertaining to Act 302 of 1968 of the legislature of the state of Louisiana are being fulfilled.

C. Failure to complete all forms and provide all information required may be just cause for the application to be rejected by the board and returned to the applicant.

D. The application shall be accompanied by a cashiers check or postal money order in the amount specified by this act. It shall be understood by the applicant that the application fee is to cover the cost of administration and shall not be refunded.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2445 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:

**§503. Applications, Temporary Training Permit Notarized**

A. All applications shall be subscribed by the applicant and sworn to by him before a notary public, and in the case of a temporary training permit, the sponsor's statement shall also be notarized.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2448, R.S. 37:2449 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing-Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:

**Chapter 9. License**

**§901. Display of License**

A. - C. ...

D. In any case where a temporary training permit holder is separated from the employment of his sponsor for any cause, he shall surrender his identification card to his sponsor for return to the board with his temporary permit. Upon application of a new sponsor, a new identification card will be issued to the temporary training permit holder and his certificate shall be forwarded to his new sponsor.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2443 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:

**§903. Revocation or Suspension of License**

A. - B.1. ...

2. After due consideration of the written complaint, the written answer to the complaint, if any, all evidence offered, the written report of the Ethics Committee, and any additional investigation by the board, the Louisiana Board for Hearing Aid Dealers may:

- a. dismiss the complaint as unjustified;
- b. take action under R.S. 37:2461; and/or R.S. 37:2462, in accordance with the decision of the board.
- c. repealed.

C. In the event that the board should seek the suspension or revocation of the license or temporary license of the accused party, the board shall:

- 1. set a time, date and location for a public hearing on the merits of the complaint;
- 2. notify the accused party of the time, date and location of such public hearing, in writing, and furnish him with the specific charges of the complaint at least 30 days before such hearing;
- 3. subpoena, compel the attendance and testimony of witnesses;
- 4. employ a public stenographer to transcribe all testimony adduced at the hearing;
- 5. any and all evidence and testimony relevant to the complaint may be presented to the board. The board will determine which evidence and testimony is relevant and make it's consideration thereupon;
- 6. a majority of the board will preside;
- 7. obtain the services of legal counsel to assist the board at the hearing;

8. within 60 days after the hearing render its decision and reasons in writing, a copy of which is to be mailed to the complainant and the accused licensed hearing aid dealers.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2453 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:

**Family Impact Statement**

The proposed amendment should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

- 1. the stability of the family;
- 2. the authority and rights of parents regarding the education and supervision of their children;
- 3. the functioning of the family;
- 4. family earnings and family budgets;
- 5. the behavior and personal responsibility of children;
- 6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Gerald Cockerham, Chairman, P.O. Box, Monroe, LA 71211. All comments must be submitted no later than 4:30 p.m., Monday, January 9, 2006.

Gerald Cockerham  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Conduct and Licensing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
Other than the rule publication costs, which are estimated to be \$2,000 in FY 05, it is anticipated that the proposed rule amendments will result in any material costs or savings to the Board of Hearing Aid Dealers or any state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule clarifies existing rules relative to payment for licensure and changes temporary license to training permit. The proposed rule clarifies that the Board will determine which evidence and testimony is relevant for revocation or suspension of a hearing aid dealer's license.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule amendments are not anticipated to have any material impact on competition and employment in either the public or private sector.

Resa Brady  
Administrative Secretary  
0512#066

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Optometry Examiners

Optometry Regulations (LAC 46:LI, Chapters 1-8)

Notice is hereby given, in accordance with the Administrative Procedures Act, R.S. 49:950 et seq., that the Louisiana State Board of Optometry Examiners, pursuant to authority vested in the Louisiana State Board of Optometry Examiners by the Optometry Practice Act, R.S. 37:1041-1068, intends to amend Title 46, Part LI by repealing Chapters 1-7 thereof and in place of the repealed rules, adopting the following proposed Rule set forth below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LI. Optometrists

#### Chapter 1. General Provisions

##### §101. Preamble

A. The Louisiana State Board of Optometry Examiners governs the practice of optometry in accordance with the Optometry Practice Act (the "act"), R.S. 37:1041 et seq.

1. The act is incorporated herein by references, as though copied in full.

2. The act is the source of the board's authority. Primary reference should be made to the act in determining the rules governing the operation of the board. The following rules supplement and further the purposes of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

##### §103. Rulemaking Procedure

A. The board shall be governed by the provisions of the Optometry Practice Act, R.S. 37:1041 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq., in adopting rules for the operation of the board and the practice of optometry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

##### §105. Legislative History

A. The practice of optometry in Louisiana was initially governed by Act 193 of 1918, which was amended by Act 181 of 1920.

B. Act 172 of 1921 revised the law as it then existed.

C. In 1950, Louisiana adopted the Revised Statutes which codified existing legislation. The practice of optometry is currently governed by Chapter 12, Title 37 of the Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

##### §107. Organization of the Board

A. Introduction. See the provision of the act relative to the organization of the board, in particular, R.S. 37:1041-1048.

#### B. Definitions

1. As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

2. Masculine terms shall include the feminine and, when the context requires, shall include partnership and/or professional corporations.

3. Where the context requires, singular shall include the plural or plural shall include the singular.

*Act*—the Optometry Practice Act, R.S. 37:1041 et seq.

*Board*—the Louisiana State Board of Optometry Examiners.

*Diagnostic and Therapeutic Pharmaceutical Agent*—any chemical in solution, suspension, emulsion, or ointment base, when applied topically that has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, or those which may be used for such purposes, or oral antibiotics, and oral antihistamines, and certain approved narcotics, only when used in treatment of disorders or diseases of the eye and its adnexa. Licensed pharmacists of this state shall fill prescriptions for such pharmaceutical agents of licensed optometrists certified by the board to use such pharmaceutical agents.

i. Any *diagnostic and therapeutic pharmaceutical agent* as defined above listed in Schedules III, IV and V of the Uniform Controlled Dangerous Substances Law shall be limited to use or to be prescribed by a licensed optometrist for a maximum of 48 hours when used in treatment or disorders or diseases of the eye and its adnexa.

ii. *Diagnostic and therapeutic pharmaceutical agent* shall not include any drug or other substances listed in Schedules I and II of the Uniform Controlled Dangerous Substances Law provided in R.S. 40:963 and 964 which shall be prohibited from use by a licensed optometrist.

iii. A licensed optometrist may prescribe one additional 48 hour prescription only if warranted by a follow-up exam.

*Licensed Optometrist*—a person licensed and holding a certificate issued under the provisions of the act.

*Optometry*—that practice in which a person employs primary eye care procedures or applies any means other than ophthalmic surgery for the measurement of the power and testing the range of vision of the human eye, and determines its accommodative and, refractive state, general scope of function, and the adaptation of frames and lenses, including contact lenses in all their phases, to overcome errors of refraction and restore as near as possible normal human vision. Optometry also includes the examination and diagnosis, and treatment, other than by ophthalmic surgery, of abnormal conditions and pathology of the human eye and its adnexa, including the use and prescription of diagnostic and therapeutic pharmaceutical agents. Optometrists shall issue prescriptions, directions and orders regarding medications and treatments which may be carried out by other health care personnel including optometrists, physicians, dentists, osteopaths, pharmacists, nurses, and others.

i. *Ophthalmic surgery* means a procedure upon the human eye or its adnexa in which in vivo human tissue is injected, cut, burned, frozen, sutured, vaporized, coagulated, or photodisrupted by the use of surgical instrumentation such as, but not limited to, a scalpel, cryoprobe, laser, electric cautery, or ionizing radiation. Nothing in this Optometry Practice Act shall limit an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology in the performance of primary eye care. Only persons licensed to practice medicine by the Louisiana State Board of Medical Examiners under the laws of this state may perform ophthalmic surgery.

ii. Nothing in the Optometry Practice Act shall prohibit the dilation and irrigation of lacrimal ducts, insertion and removal of lacrimal plugs, foreign body removal from superficial ocular tissue, suture removal, removal of eyelashes, incision and drainage of superficial lesions of the eye, or corneal shaping with external ophthalmic devices such as contact lenses by optometrists.

C. Purpose. The purpose of the board is to regulate the practice of optometry in Louisiana and to carry out the purposes and enforce the provision of the law of Louisiana relating thereto. The laws of Louisiana relating to the practice of optometry are set forth, in part, in the Optometry Practice Act, R.S. 37:1041 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### **§109. Employment Restrictions**

A. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., is prohibited from accepting employment as an optometrist from:

1. a corporation other than a professional optometric corporation or professional medical corporation organized pursuant to Title 12 of the Louisiana Revised Statutes and domiciled in the State of Louisiana;

2. a partnership or limited liability company, unless such partnership or limited liability company is domiciled in the state of Louisiana and each partner or member, as the case may be, is:

a. an optometrist or physician duly licensed as an optometrist or physician in the State of Louisiana; or

b. a professional optometric corporation or professional medical corporation described above in Paragraph A.1 of this Section; or

c. an individual, unless such individual is duly licensed as an optometrist or physician in the state of Louisiana.

B. An employer of an optometrist, whether a professional optometric or medical corporation, partnership, limited liability company or individual described above in Subsection A of this Section, shall exert no influence over the employee optometrist in regards to professional judgment, patient care, or any matter affecting the health and well being of the patient, or the ability of the optometrist to provide such care.

C. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., shall not enter into a contract, agreement or other arrangement with any individual or entity, other than an individual or entity described above in Section A of this

§105, which allows such individual or entity to dictate to or influence the fees charged by the optometrist for patient care.

D. Violation of the provisions of this §105 by an optometrist shall be considered a violation of provisions of R.S. 37:1061, and as such the board may refuse to renew the license of any such optometrist on its annual renewal date of March 1 of each year (R.S. 37:1056) and/or subject such optometrist to suspension or revocation of his or her license to practice optometry upon due notice and hearing as provided in R.S. 37:1062.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### **§111. Prohibition of Fee-Splitting.**

A. An optometrist shall be prohibited from sharing or splitting fees with any person, corporation, partnership or other entity, other than through an affiliation with a person or entity described above in §109.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### **§113. Referrals**

A. No optometrist shall offer, make, solicit, or receive payment, directly or indirectly, overtly or covertly, in cash or in-kind, for referring or soliciting patients.

B. No optometrist shall make referrals outside the same group practice as that of the referring optometrist to any other health care provider, licensed health care facility, or provider of health care goods and services including but not limited to medical suppliers, and therapeutic services when the referring optometrist has a financial interest served by such referral, unless in advance of any such referral the referring optometrist, discloses to the patient, in writing, the existence of such financial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### **§115. Patient Records**

A. All medical records of a patient, including but not limited to prescriptions, files, patient records and business records, maintained in the office of an optometrist are the property and business records of the optometrist.

B. An optometrist shall furnish each patient, upon request of the patient, or his or her legal representative, a copy of any information related in any way to the patient which the optometrist has transmitted to any company, or any public or private agency, or any person in accordance with R.S. 40:1299.96.

C. A patient, or his or her legal representative, shall have a right to obtain a copy of any medical records relating to the patient's medical treatment, history, or condition, including but not limited to any unexpired prescription, in accordance with R.S. 40:1299.96, provided, however, a patient shall not be entitled to obtain business records of the optometrist.

D. A patient, or his or her legal representative, shall be entitled to obtain a copy of such patient's medical records in accordance with Subsections B and C of this Section, upon furnishing a signed authorization and upon payment of a reasonable copying charge, not to exceed \$1 per page for the

first 25 pages, \$0.50 cents per page for 26 to 500 pages, and \$0.25 cents per page thereafter, a handling charge not to exceed \$5, and actual postage in accordance with R.S. 40:1299.96. A patient shall have a right to obtain copies of patient X-rays upon payment of reasonable reproduction costs.

E. In the event medical records furnished to a patient pursuant to this Section are not complete, the copy of the records furnished hereunder may indicate, through a stamp, coversheet, or otherwise, that the record is incomplete in accordance with R.S. 40:1299.96.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

### **§117. Hearings and Investigations**

A. The board may summon witnesses and compel the attendance of witnesses, as well as conduct hearings on proceedings to revoke, limit or suspend a license or certificate to practice optometry in Louisiana as provided in R.S. 37:1048.

B. Witnesses shall cooperate with the board in investigating any matter before the board and shall respond to any lawful demand for information, except for an openly expressed claim of a constitutional privilege.

C. Failure to cooperate with the board in investigating any matter before the board, or to respond to any lawful demand for information, except for an openly expressed claim of a constitutional privilege, may be considered a violation of R.S. 37:1063 and grounds for suspension or revocation of a Louisiana optometry license or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

## **Chapter 3. License**

### **§301. Continuing Education**

A. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry license holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 classroom hours of continuing education courses approved by the Louisiana State Board of Optometry Examiners.

2. License holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of each calendar year at least 16 classroom hours of continuing education courses approved by the Louisiana State Board of Optometry Examiners, of which at least eight classroom hours shall consist of matters related to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease. Such certificate holders will be entitled to apply the CPR continuing education to their required annual continuing education, provided that such CPR continuing education shall not count toward the required eight classroom hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than four hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods. The eight hours of continuing education relating to ocular and systemic pharmacology and/or current diagnosis and

treatment of ocular disease shall be obtained solely from the following sources:

- a. the American Optometric Association;
- b. any state optometric association affiliated with the American Optometric Association;
- c. Great Western Council of Optometry, Mountain West Council of Optometrists, The New England Council of Optometrists, North Central States Optometric Council, North East Regional Council of Optometry, Optometric Council of the National Capital Region, Southern Council of Optometrists, and Southwest Council of Optometry;
- d. the American Academy of Optometry; or
- e. schools and colleges of Optometry accredited by the American Optometric Association Accreditation Council on Optometric Education.

3. All classroom hours shall be computed on a 60 minute basis.

4. Failure to submit acceptable continuing education hours and pay the applicable annual renewal fee required by R.S. 37:1056(1).

a. On or before March 1 of each year shall require payment of the delinquency fee, in addition to the applicable annual renewal fee, set forth in §801.

b. On or before July 1 shall be cause for the temporary suspension of a Louisiana optometry license as provided below and shall require payment of the both the delinquency fee and reinstatement fee, in addition to the applicable annual renewal fee, as set forth in §801. Payment of the renewal fee, delinquency fee and reinstatement fee where the license has been suspended shall be accompanied by any costs or expenses, including attorney fees, which may be caused by the need for the institution of disciplinary or other proceedings, fines imposed in disciplinary or other proceedings, and all other applicable fees.

c. On or before January 1 of the year following the delinquency shall be cause for the board to revoke a Louisiana optometry license as provided below.

5. The procedure for temporary suspension or revocation of a Louisiana license for failure to timely submit acceptable continuing education hours and pay the applicable renewal fee required by R.S. 37:1056(1) shall be as follows.

a. Before the board temporarily suspends or revokes any Louisiana optometry license, the board shall schedule a public hearing:

i. on or after July 1 in the case of a temporary suspension; or

ii. on or after January 1 of the year following the delinquency in the case of revocation.

b. The holder of a Louisiana optometry license shall be given written notice of the hearing at least 15 days prior to the date of the hearing, the date of which shall be specified in the written notice, and shall be given an opportunity to produce testimony in his or her favor and to cross examine any witnesses against him.

6. A holder of a Louisiana optometry license in good standing may voluntarily surrender his or her license or certificate without penalty upon acceptance of such voluntary surrender by the board, provided, however, a holder of a Louisiana optometry license may not surrender his or her license or certificate while such individual is under investigation or while charges are pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

## **Chapter 5. Practicing Optometry**

### **§501. Minimum Standards for an Optometric Examination**

A. The optometrist shall keep the visual welfare of the patient uppermost at all times, promote the best care of the visual needs of mankind, strive continuously to develop educational, professional, clinical and technical proficiency and keep informed as to the new developments within his profession.

B. The optometrist shall conduct his or her practice in a decorous, dignified and professional manner and in keeping with the rules, regulations and ethics as promulgated by this board.

C. Conduct which endangers the public health or renders the licensee unable to practice optometry with safety to the public, including inability to practice optometry with reasonable skill or safety to patients because of mental illness or deficiency or physical illness, including but not limited to deterioration through the aging process or loss of motor skills, shall be grounds for suspension or revocation of any optometry license.

D. In the initial examination of the patient, the optometrist shall make and record the following findings of the condition of the patient:

1. complete case history (ocular, physical, occupational, medical and other pertinent information);
2. chief ocular complaint;
3. aided and/or unaided visual acuity;
4. external examination (lids, cornea, sclera, etc.);
5. internal ophthalmoscopic examination (media, fundus, etc.);
6. neurological integrity (e.g. pupillary reflexes, direct, consensual);
7. far point subjective refraction;
8. near point subjective refraction;
9. tests of accommodation and binocular coordination at far and near, test preferably made with Phoropter;
10. tonometry.

E. The minimum standards for examination and fitting of contact lenses are necessary in order to insure an adequate examination of a patient for whom an optometrist signs or causes to be signed a prescription for a contact lens and are as follows:

1. all items contained in the minimum standards for an optometric examination;
2. ophthalmometry or keratometry;
3. slit lamp evaluation;
4. fluorescein examination (for rigid lenses);
5. diagnostic evaluation for soft lenses;
- 6.a. re-examination and re-evaluation within the following periods of time:
  - i. rigid lenses—six months;
  - ii. soft lenses—six months;
- b. if the patient does not return for this re-examination and re-evaluation, this requirement is waived.

F. In the event that the examining optometrist is not able, at the time of the examination, for any reason, to make the record of each of the points set forth herein, he shall

record in writing his professional judgment for not making and recording same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

### **§503. License to Practice Optometry**

A. Introduction. See the provisions of the act relative to the license to practice optometry, in particular, R.S. 37:1049 et seq.

B. Graduate of Approved School. Optometric educational programs that are duly accredited by the Accreditation Council of Optometric Education of the American Optometric Association and recommended to the board by the Association of Regulatory Boards of Optometry as worthy of approval will meet the statutory requirement of R.S. 37:1049(3).

C.1. Application for Licensure by Endorsement. The waiver provided for by R.S. 37:1054 (endorsement) is within the discretion of the board. The board shall refer to the laws provided for the regulation of the practice of optometry, the public interest, the interest of licensed optometrists and the interest of the applicant in the exercise of this discretion.

2. The board may require satisfactory performance on the Clinical/Practical examination given by the board for licensure by endorsement pursuant to R.S. 37:1054.

D. Duplicate License. The secretary of the board, subject to prior board approval, may issue a duplicate certificate upon application of a licensed optometrist in good standing if all provisions of the act applicable to the licensed optometrist have been satisfied and the applicant has paid the fee prescribed in §801.

E. Beginning Practice. Upon beginning practice, a licensee shall notify the secretary of the board as to the address of his office and the telephone number. If any time any office has relocated, the licensee involved shall notify the secretary of his new office address and telephone number. If, for any reason, he ceases to practice, he shall so notify the secretary.

F. Continuing Education. In order to qualify for the annual license renewal required by R.S. 37:1057, the following information shall be presented to the secretary of the board.

1. Written certification that the doctor requesting license renewal has completed 12 hours of continuing education between January 1 and December 31 of each year immediately preceding the March 1 renewal date set forth in R.S. 37:1057; by attendance and completion of courses approved by the Louisiana State Board of Optometry Examiners.

2. Education hours will not qualify unless they are completed within the above stated calendar period.

3. While the education hours shall be accomplished within the calendar dates set forth in Paragraph 1 hereof, the written evidence of attendance shall be submitted on or before the first day of March of each calendar year provided that same is in the office of the secretary of the board on or before the first day of March of each calendar year in which license renewal is sought.

4. The requirement shall only be waived in cases of certified illness, certification by the commanding officer of those in the military that due to his military assignment it was impossible for him to comply or upon evidence

satisfactory to the board that the applicant for renewal was unable to meet the requirement because of undue hardship.

5. Pay to the board the annual renewal fee provided in R.S. 37:1058 and Rule 801 herein on or before the first day of March of each year.

G. Certification to Use Diagnostic and Therapeutic Drugs and to Treat Ocular Pathology. An optometrist may be certified to use ocular diagnostic and therapeutic pharmaceutical agents and to diagnose and treat ocular pathology. In order to obtain such certification, an optometrist shall comply with the following requirements.

1. Certification to Use Diagnostic Drugs

a. In order to be approved as an optometrist authorized to use diagnostic drugs, as set forth in Act 123 of the 1975 Session of the Louisiana Legislature, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

i. evidence that the applicant is a licensed Louisiana optometrist, holding a current license in compliance with all license and renewal requirements of the Louisiana Optometry Practice Act for the year in which he applies for certification;

ii. transcript credits, in writing, evidencing that the applicant has completed a minimum of five university semester hours in pharmacology from an accredited university or college of optometry, subsequent to December 31, 1971. The pharmacology hours shall consist of a minimum of two hours in general pharmacology and a minimum of three hours in ocular pharmacology.

b. Upon submission of the above, the secretary shall present same to the board for approval at the next regular meeting. Upon approval by the board, the secretary shall cause to be issued to the optometrist a certificate indicating compliance with the legislative requirement and intent.

c. The certificate issued by the secretary shall be over the secretary's signature and bear a number identical to the number on the license originally issued by the board to the optometrist.

2. Certification to Treat Pathology and to Use and Prescribe Therapeutic Pharmaceutical Agents

a. Definitions. For purposes of this Paragraph 2 the following definitions shall apply:

*Application Date*—the date the board receives in its office by certified mail an application for certification under this Paragraph 2.

*Approved Educational Institution*—an educational institution providing education in optometry that is approved by the board and is accredited by a regional or professional accrediting organization which is recognized or approved by the Council of Post-Secondary Accreditation of the United States Department of Education.

*Board*—the Louisiana State Board of Optometry Examiners.

*Therapeutic Pharmaceutical Agents*—any chemical in solution, suspension, emulsion, or ointment base that has the property of assisting in the prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa, or those which may be used for such purposes, or oral antibiotics, or oral antihistamines and certain approved narcotics when used in

the treatment of disorders or diseases of the eye and its adnexa.

*Treatment and Management of Ocular Disease (TMOD)*—test administered by the National Board of Examiners in Optometry.

b. Requirements for Certification. In order to be approved as an optometrist authorized to treat pathology and use and prescribe Therapeutic Pharmaceutical Agents, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

i. a certified transcript from an approved educational institution evidencing satisfaction of the educational prerequisites for certification to use diagnostic pharmaceutical agents as set forth in LAC 46:LI.503.G.1.a.ii or evidence of current certification by the board for the use of diagnostic pharmaceutical agents under LAC 46:LI.503.G.1; and

ii. certification from a source acceptable to the board evidencing current qualification to perform cardiopulmonary resuscitation (CPR) or basic life support; and

iii. a signed statement from the applicant stating that he or she possesses child and adult automatic epinephrine injector kits in every office location in which the applicant practices; and

iv. a certified transcript from an approved educational institution evidencing satisfactory completion after January 1, 1985 of the course requirements set forth in R.S. 37:1051(c), which include 46 clock hours of classroom education and 34 clock hours of supervised clinical training which are equivalent to at least five semester hours of postgraduate education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa. The board shall obtain such written certification as it deems appropriate to satisfy itself that the courses reflected on the transcript satisfy the statutory course requirements set forth in R.S. 37:1051(C). Inability of the board to obtain satisfactory written certification as set forth in the preceding sentence shall result in rejection of the optometrist's application under this Section; and

(a) if the applicant's transcript reflects graduation from an accredited school of optometry and completion of the required five semester hours in the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and adnexa:

(i) between January 1, 1989 and December 31, 1992, the applicant shall also provide written evidence of satisfactory completion, within the previous year of the application date, of at least 12 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(ii) between January 1, 1985 and December 31, 1988, the applicant shall also provide written evidence of satisfactory completion, within the previous year of the application date, of at least 20 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(b.) the applicant's transcript reflects graduation from an accredited school of optometry after January 1, 1993, the applicant shall be deemed to have met the educational requirements and upon submission of evidence of current CPR certification and possession of the appropriate epinephrine injector kits the applicant shall be certified; or

v. in lieu of the requirements of LAC 46:LI.503.G.2.b.iv above, written proof of having passed the TMOD and a certified transcript from an approved educational institution evidencing successful completion of 34 clock hours of supervised clinical training after January 1, 1985 which are equivalent to at least two semester hours of postgraduate clinical education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa.

#### H. Prescriptions for Eyeglasses or Contact Lenses

1. Every written prescription shall contain an expiration date and the signature of the optometrist issuing the prescription. The expiration date may not exceed 18 months, unless the optometrist documents a valid medical reason in the chart for doing so.

2. Contact lenses may not be sold or dispensed without a written, signed, unexpired prescription. Every contact lens prescription shall contain information specifying the curvature, diameters, refractive power, pertinent measurement, and the number of lenses to be dispensed. An optometrist, when filling a prescription for contact lenses, shall issue to the patient a notice that states the number of refills allowed and the expiration date of the prescription.

3. An optometrist, when filling a prescription for eyeglasses or contact lenses, shall be required to keep the original prescription. An optometrist may not refuse to release to a patient a copy of the patient's prescription if requested by the patient; provided, however, an optometrist shall not be required to release a prescription that has expired.

4. A spectacle prescription shall not be construed to be or substituted for a contact lens prescription nor shall a contact lens prescription be construed to be or substituted for a spectacle prescription.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

### Chapter 6. Dispensation of Medication

#### §601. Scope of Chapter

A. The Sections of this Chapter govern the prescription and dispensation of drugs, chemicals, and medications by optometrists. These Sections are not intended to alter or modify the effect or applicability of state and federal laws and regulations governing the acquisition, possession, maintenance, prescription, dispensation, or administration of, or accounting for, legally controlled substances and other drugs and medications, but are complimentary and supplementary to such laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### §603. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

*Administer*—with respect to a medication provided or dispensed by an optometrist for use by a patient, the term *administered* means directly or through an agent to give, provide, or supply for immediate oral ingestion, insertion, or topical application by the patient, or to insert or apply topically.

*Board*—the Louisiana State Board of Optometry Examiners.

*Controlled Substance*—any medication or other substance which is defined, enumerated or designated as a controlled substance and regulated as such under Louisiana or federal statute or regulations 21 CFR §§1308.11-15 or R.S. 40:964, or any substance hereafter designated as a controlled substance by amendment or supplementation of such regulations and statute.

*Drug*—synonymous with medication, as defined herein.

*Optometrist*—a person lawfully entitled to engage in the practice of optometry in the state of Louisiana, as evidenced by a current license or permit duly issued by the board.

*Medication*—any chemical, potion, compound, mixture, suspension, solution, or other substance or material, natural or synthetic, recognized and listed in the official United States Pharmacopoeia, which is lawfully produced, manufactured, sold, or provided and intended and approved for medical, diagnostic, therapeutic, or preventative use in and by humans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### §605. Prohibitions

A. No optometrist shall prescribe, dispense, administer, supply, sell, give or otherwise use for the purpose of treating a patient, any controlled substance or other medication, except in strict compliance with the Louisiana and federal law and regulations applicable thereto and with the rules of this Chapter.

B. No optometrist shall prescribe, dispense or administer any medication except in the usual and ordinary course of his optometry practice for a legitimate medical purpose.

C. No optometrist shall dispense any medication upon the prescription of another practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

#### §607. Use of Controlled Substances; Limitations

A. Requisite Prior Conditions. In utilizing any controlled substances, an optometrist shall comply with the following.

1. Evaluation of the Patient. Evaluation of the patient shall initially include a full history, including complete medical, pain, alcohol and substance abuse histories.

2. Medical Diagnosis. A medical diagnosis shall be established and fully documented in the patient's medical record, which indicates the nature of the underlying disease, presence of pain and pain mechanism if such are determinable.

3. Treatment of Pain. An individual treatment plan shall be formulated and documented in the patient's medical record, which includes medical justification for controlled substance therapy.

4. Patient Information. An optometrist shall ensure that the patient and/or his guardian is informed of the benefits and risks of controlled substance therapy.

B. Controlled Substance Therapy. Upon completion and satisfaction of the conditions prescribed in §607.A, and upon an optometrist's judgment that the prescription of a controlled substance is medically warranted, an optometrist shall adhere to the following.

1. Treatment Records. An optometrist shall document and maintain in the patient's medical record, accurate and complete records of all history, physical and other examinations and evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, controlled substance and other medication therapy, informed consents, periodic assessments and reviews.

2. Any optometrist qualified to prescribe controlled substances shall maintain complete records on any controlled substances he or she prescribes, which records shall clearly identify the controlled substances prescribed, the individual to whom each controlled substance was prescribed, the date of each prescription and the amount of the controlled substance prescribed.

3. An optometrist shall not dispense or administer controlled substances in their optometry practice and shall not keep an inventory of controlled substances on hand for purposes of dispensation or administration by an optometrist in their optometry practice.

4. The controlled substances records required by this Chapter shall be readily retrievable and available for examination, inspection, copying, and verification of accuracy, currency and completeness by the board or its designated employee or agent, immediately upon the request of the board, its agents, or employees, at any reasonable time, but without the necessity of prior notice by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

### **§609. Action against Optometry License**

A. Violation or failure to comply with the provisions set forth in §605 or 607, or providing false or misleading statements in connection with any application required by this Chapter, shall be deemed to constitute just cause for the suspension, revocation, refusal to issue, or the imposition of probationary or other restrictions on any license or permit to practice optometry in the state of Louisiana held or applied for by an optometrist culpable of such violation, or for other administrative action as the board may in its discretion determine to be necessary or appropriate, under the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

## **Chapter 7. Examinations**

### **§701. Written Examination**

A. A graduate of an approved school or college of optometry may, in lieu of taking the written examination administered by the Louisiana State Board of Optometry Examiners, submit evidence of having reached the

recommended levels of acceptable performance on all written parts designated as required by the board of the examination administered by the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his or her application to take the clinical-practicum examination administered by the board; provided, however, applicants who graduated from an approved school or college of optometry prior to 1989 or who have not reached the recommended levels of performance on all written parts designated as required by the board may, in the discretion of the board, be given a written examination by the board.

B. Beginning with the graduating classes of 1989, every new graduate of an approved school or college of optometry making application to this board for examination and licensure shall submit evidence of having reached the recommended levels of acceptable performance on all written parts designated as required by the board of the examination administered by the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his or her application to take the clinical-practicum examination administered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

## **Chapter 8. Fees and Expenses**

### **§801. Fees**

A. The board shall charge and collect the following fees, consistent with R.S. 37:1058.

1. Application for Examination—\$100
2. Original License Fee—\$150
3. Duplicate License Fee—\$50
4. Annual License Renewal Fee—\$100
5. License Delinquency Fee—\$150
6. License Reinstatement Fee—\$150
7. Original Therapeutic Pharmaceutical Agent Certificate Fee—\$150
8. Duplicate Therapeutic Pharmaceutical Agent Certificate Fee—\$50
9. Therapeutic Pharmaceutical Agent Certificate renewal Fee—\$100
10. Therapeutic Pharmaceutical Agent Certificate delinquency Fee—\$150
11. Therapeutic Pharmaceutical Agent Certificate reinstatement Fee—\$150

B. Notwithstanding the foregoing, the board may, by a majority vote, reduce the amount of and/or waive the collection of any such fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

### **§803. Expenses**

A. Prior to issuance of a subpoena to any witness, the board shall require that the party (other than the board) who wishes to subpoena such witness deposit a sum of money sufficient to pay all fees and expenses to which a witness in

a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671 in accordance with R.S. 49:956.

B. The board shall have discretion, but shall not be required, to pay any witness compelled by the board (and not another party) to attend a hearing conducted by the board fees or expenses pursuant to R.S. 49:956, and shall further have the discretion to pay any witness fees and expenses in excess of the amount required pursuant to R.S. 49:956; provided, however, no party who wishes to subpoena a witness shall be required to pay fees or expenses in excess of the amount required to be paid to a witness in a civil case pursuant to R.S. 13:3661 and R.S. 13:3671 in accordance with R.S. 49:956.

C. Each member of the board shall be reimbursed when actually in attendance of a board meeting or when required to travel for the official authorized business of the board, not more than \$75 per day, plus actual expenses unlimited by any rate or reimbursement set by the Division of Administration, as well as mileage to and from their domicile to the place of the meeting, provided, however, mileage shall be reimbursed at the same rate of reimbursement set by the division of administration for state employees under the provisions of R.S. 39:231.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule until 11 a.m., January 10, 2006, to Dr. James D. Sandefer, O.D., Louisiana State Board of Optometry Examiners, 115-B North 13th Street, Oakdale, LA 71463. He is responsible for responding to inquiries regarding the proposed Rule.

Dr. James D. Sandefer, O.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Optometry Regulations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the rule publication costs, which are estimated to be \$500 in FY 06, it is not anticipated that the proposed rule amendments will result in any material costs or savings to the Board of Optometry Examiners, any state unit or local governmental unit. Notification of these rule changes will be included in a mass mailing to all licenses, which has already been budgeted for notification of such rule changes.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The revenues of the Board are not anticipated to increase materially (a maximum of \$675.00 in fiscal year 06 and subsequent fiscal years). All fees remain the same, except that a License Reinstatement Fee of \$150.00 and Therapeutic Pharmaceutical Agent Certificate Reinstatement Fee of \$150.00 are proposed. There were no optometrists in 2005 that were required to reinstate their license following a period of delinquency and the trend has been less than two per year historically. Accordingly, the revenues are not expected to increase more than \$600.00 annually as a result of the

reinstatement fees. The rules would also require that optometrists pay \$25.00 more per year for a duplicate license fee and would impose a \$50.00 duplicate Therapeutic Pharmaceutical Agent Certificate Fee. The revenues of the Board are not currently anticipated to increase by more than \$75.00 in FY 06 and subsequent fiscal years as a result of increase in the Duplicate License Fee and adoption of the duplicate Therapeutic Pharmaceutical Agent Certificate Fee.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule will increase delinquency fees and duplicate license fees as state above, which will impact optometrists. Additionally, the proposed rule would add certain record keeping requirements pertaining to the prescription of certain controlled substances. The impact of these additional record keeping requirements is anticipated to be negligible. Additionally, the proposed rule clarifies optometry board rules relative to existing policies and procedures.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment.

Dr. James D. Sandefer, O.D.  
Secretary/Treasurer  
0512#057

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Pharmacy**

**Pharmacy Interns—Practical Experience (LAC 46:LIII.705)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of intent to amend the referenced rule.

The text of this proposed Rule may be viewed in its entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may submit written comments to Malcolm J. Broussard, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808-2537. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, January 25, 2006 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for receipt of all comments is 12 noon that same day.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Malcolm J. Broussard  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Pharmacy Interns  
Practical Experience**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is estimated that implementation of the proposed Rule will cost the agency \$3,200 (\$1,200 for printing Emergency Rule, Notice of Intent, and final Rule, plus \$2,000 for printing and postage costs for updates to the pharmacy law book) during FY 05-06. The agency has sufficient self-generated funds budgeted to implement the proposed Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed change relates to the professional experience requirements for pharmacy interns. No change in revenue collection is anticipated as a result of the proposed Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendment will remove the restrictions on the nature of the practical experience requirements for pharmacy interns. The change will facilitate the return of displaced pharmacy interns to achieve pharmacist licensure. It will also facilitate the recruiting of pharmacy graduates from other states to accept pharmacy residency positions in this state. These pharmacy residents will supplement the pharmacy faculty at our colleges of pharmacy that have lost faculty due to recent hurricane activity.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposal may facilitate the return of pharmacy interns as well as the acceptance of graduates from other states to accept employment positions in this state.

Malcolm J. Broussard  
Executive Director  
0512#048

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

CommunityCARE Program  
(LAC 50:I.2901, 2903, 2907, 2911)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:I.2901, 2903, 2907 and 2911 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing implemented CommunityCARE under the authority of a 1915(b)(1) waiver as Primary Care Case Management (PCCM) services in designated parishes of the state to provide access to health care for eligible Medicaid recipients, particularly those residing in rural communities. The CommunityCARE Program provided Medicaid recipients in the designated parishes with a primary care physician, osteopath, or family

doctor to serve as their primary care provider (*Louisiana Register*, Volume 19 Number 5). Recipients are given the opportunity to select a participating doctor, federally qualified health center, or rural health clinic in their parish of residence or in a contiguous parish to be their primary care provider. In June 2003, a rule was promulgated to adopt the provisions governing CommunityCARE in LAC 50:I.Chapter 29 (*Louisiana Register*, Volume 29, Number 6).

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend the provisions governing CommunityCARE in LAC 50:I.2901, 2903, 2907 and 2911. These revised provisions would establish CommunityCARE as an optional statewide covered service under the Medicaid State Plan instead of a waiver service, and provide for the exclusion of certain additional Medicaid recipients from mandatory participation in the program. The goal of this statewide managed care program is to improve accessibility, continuity and quality of care for certain groups of Medicaid recipients.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 3. Medicaid Managed Care**

**Chapter 29. CommunityCARE**

**§2901. Introduction**

A. CommunityCARE is a statewide Medicaid managed care program designed to provide improved access to health care for eligible Medicaid recipients. The goal of the CommunityCARE program is to improve the accessibility, continuity and quality of care for certain Medicaid recipients.

B. The CommunityCARE program provides certain Medicaid recipients statewide with a medical home through linkage to a primary care provider (PCP) who is responsible for providing care coordination for most Medicaid covered services, as well as treatment, referrals/authorizations for specialty services which the PCP does not provide and patient education.

C. repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:908 (June 2003), amended LR 32:

**§2903. Recipient Participation**

A. The following groups of Medicaid recipients are required to enroll in the CommunityCARE program:

1. LIFC and LIFC-related recipients; and
2. SSI and SSI-related, non-Medicare recipients from age 19 up to age 65.

B. The following groups of recipients are excluded from participating in the CommunityCARE program:

1. residents of:
  - a. long term care nursing facilities;
  - b. intermediate care facilities for the mentally retarded (ICF/MR); and
  - c. psychiatric facilities;

2. recipients who are age 65 or older;
3. Medicare (Part A or B) recipients, including dual eligibles;
4. refugees;
5. recipients in the Medicaid physician/pharmacy Lock-In program (pharmacy only lock-in recipients are not exempt from participation);
6. recipients with other primary health insurance that has physician benefits, including health management organizations (HMOs);
7. Hospice recipients;
8. recipients with eligibility less than three months or retroactive only eligibility;
9. Native American Indians who reside in a parish with a Reservation;
10. recipients in pregnant woman eligibility categories;
11. recipients in the PACE program;
12. recipients in foster care, other out-of-home placement or receiving adoption assistance; and
13. clients of the Office of Youth Development (in state custody).

C. The following groups of recipients who were previously required to enroll in CommunityCARE may now choose to enroll voluntarily:

1. children under age 19 who are:
  - a. eligible for SSI under Title XVI;
  - b. eligible under Section 1902(e)(3) of the Social Security Act (NOW Waiver and Children's Choice recipients); or
  - c. receiving services through a family-centered, community-based, coordinated care system that receives grant funds under Section 501(a)(1)(D) of Title V, and is defined by the state in terms of either program participation or special health care needs.

D. Requests for medical exemptions shall be reviewed for approval on a case-by-case basis for certain medically high risk recipients that may warrant the direct care and supervision of a non-primary care specialist.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:908 (June 2003), amended LR 32:

#### **§2907. Provider Qualifications**

A. The following primary care providers who are currently enrolled Medicaid providers in good standing and meet CommunityCARE standards for participation are eligible to participate in the CommunityCARE program as primary care providers (PCPs). Primary care providers enrolling in CommunityCARE must meet all of the general Medicaid enrollment conditions. The providers who may participate as PCPs are:

1. general practitioners;
2. family practitioners;
3. pediatricians;
4. gynecologists;
5. internists;
6. obstetricians; or

7. other physician specialists or nurse practitioners who meet the program standards for participation may be approved by the department under certain circumstances.

B. - F. repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:909 (June 2003), amended LR 32:

#### **§2911. PCP Referral/Authorization**

A. The following Medicaid covered services do not require written referral/authorization by the recipient's PCP:

1. chiropractic services resulting from KIDMED referrals/authorizations for children under age 21;
2. dental services for children under age 21 and certain pregnant women ages 21-59;
3. higher level emergency room visits and associated physician services (CPT codes 99283, 99284 and 99285);
4. pre-certified inpatient care, including hospital, physician and ancillary services (This is applicable to public hospitals even though they are not required to obtain pre-certification for inpatient stays.);
5. EPSDT health services—rehabilitative type services such as occupational, physical and speech/language therapy delivered to EPSDT recipients through schools, early intervention centers or the Early Steps program;
6. family planning services;
7. prenatal/obstetrical services, including neonatology inpatient services;
8. targeted case management services;
9. pharmacy services;
10. transportation services;
11. inpatient psychiatric services;
12. home and community-based waiver services;
13. ophthalmology and optometry services;
14. mental health services;
15. hemodialysis services;
16. hospice services;
17. specific outpatient laboratory and radiology services;
18. immunizations for children under age 21 through the Office of Public Health and their affiliates;
19. services provided through the Office of Public Health's Women, Infants, and Children (WIC) program; and
20. services provided by school based health centers to recipients age ten and older.

B. All other Medicaid services require a written referral/authorization from the recipient's assigned PCP prior to rendering services except the following:

1. lower level emergency room visits and associated physician services do not require authorization prior to rendering services, but post authorization from the recipient's PCP is required (CPT codes 99281, 99282 and equivalent).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:909 (June 2003), amended LR 32:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, January 26, 2006 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: CommunityCARE Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated cost avoidance to the state of \$99,022 for FY 05-06, \$402,360 for FY 06-07 and \$402,360 for FY 07-08. It is anticipated that \$612 (\$306 SGF and \$306 FED) will be expended in FY 05-06 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will reduce revenue collections by \$232,566 for FY 05-06, \$926,437 for FY 06-07 and \$926,437 for FY 07-08. It is also anticipated that \$306 will be expended in FY 05-06 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This Rule proposes to adopt provisions which would establish the CommunityCARE program as an optional covered service under the Medicaid State Plan, expand CommunityCARE services statewide and provide for the exclusion of certain Medicaid recipients (approximately 29,400 children under 19 years of age) from mandatory participation in the program. It is anticipated that implementation of this proposed Rule will result in an estimated cost avoidance of \$332,200 for FY 05-06 and \$1,328,797 for FY 06-07 and \$1,328,797 for FY 07-08.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This Rule has no known impact on competition and employment.

Ben A. Bearden  
Director  
0512#098

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Early and Periodic Screening,  
Diagnosis and Treatment Program  
Extended and/or Multiple Daily Skilled Nursing  
(LAC 50:XV.7501)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to repeal LAC 50:XV.7501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is repealed in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule to adopt the provisions governing extended and/or multiple daily skilled nursing services under the Early and Periodic Screening, Diagnosis and Treatment Program (*Louisiana Register*, Volume 30, Number 3). As a result of a policy clarification received from the Centers for Medicare and Medicaid Services, the bureau proposes to repeal the provisions contained in Chapter 75 of the March 20, 2004 Rule regarding extended and/or multiple daily skilled nursing services and amend these services under separate Rule in the Home Health Program (LAC 50:XIII.305).

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XV. Services for Special Populations**

**Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment**

**Chapter 75. Extended and/or Multiple Daily Skilled Nursing**

**§7501. Medically Fragile**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:254 (February 2004), repromulgated LR 30:429 (March 2004), repealed LR 32:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, January 26, 2006 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to

submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Early and Periodic Screening, Diagnosis  
and Treatment Program—Extended and/or Multiple  
Daily Skilled Nursing**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact to the state other than cost of promulgation for FY 05-06. It is anticipated that \$136 (\$68 SGF and \$68 FED) will be expended in FY 05-06 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 05-06. It is anticipated that \$68 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

This Rule proposes to repeal provisions contained in Chapter 75 of Early and Periodic Screening, Diagnosis and Treatment Program, Extended and/or Multiple Daily Skilled Nursing Services rule regarding medically fragile individuals. The provisions of this chapter will be repromulgated under the Home Health Program. It is anticipated that implementation of this proposed Rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This Rule has no known impact on competition and employment.

Ben A. Bearden  
Director  
0512#099

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Home Health—Extended Nursing Services  
(LAC 50:XIII.305)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XIX.305 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted LAC 50:XV.7501 to repromulgate the provisions governing extended and multiple daily nursing visits for Medicaid recipients up to age 21 under the Early and Periodic Screening, Diagnosis and Treatment Program (*Louisiana Register*, Volume 30, Number 3). As a result of a policy clarification received from the Centers for Medicare and Medicaid Services, the bureau under separate rule, has initiated the rule making process to repeal the provisions contained in Chapter 75 of the March 20, 2004 rule and hereby proposes to adopt revised provisions governing extended and multiple daily nursing visits for recipients up to age 21 under the Home Health Program in LAC 50:XIII.305.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XIII. Home Health**

**Subpart 1. Home Health Services**

**Chapter 3. Medical Necessity**

**§305. Extended Nursing Services for Ages 0-21**

A. Extended nursing services may be provided to a Medicaid recipient who is age birth through 21 when it is determined to be medically necessary for the recipient to receive a minimum of three hours per day of nursing services. Medical necessity for extended nursing services exists when the recipient has a medically complex condition characterized by multiple, significant medical problems that require nursing care as defined by the Louisiana Nurse Practice Act.

B. Multiple nursing visits on the same date of service may be provided to a recipient who is age birth through 21 when the medical necessity criteria for extended nursing services are met and these services cannot be provided during the course of one visit.

C. Extended and multiple daily nursing services must be prior authorized in accordance with the certifying physician's orders and home health plan of care. All nursing services shall be provided in accordance with the Louisiana Nurse Practice Act.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, January 26, 2006 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor,

1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Home Health  
Extended Nursing Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than cost of promulgation for FY 05-06. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 05-06 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 05-06. It is anticipated that \$136 will be expended in FY 05-06 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule proposes to repeal extended nursing services provisions contained in the Early and Periodic Screening, Diagnosis and Treatment Program and to adopt revised provisions under the Home Health Program (Extended Nursing Services). It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule has no known impact on competition and employment.

Ben A. Bearden  
Director  
0512#115

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Third Party Liability  
Provider Billing and Recovery  
(LAC 50:I.8323)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:I.8323 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt provisions governing provider billing and recovery from third parties in LAC 50:I.8323. These provisions would mandate that providers make a good faith effort to determine whether the services being provided to a Medicaid recipient are a result of injuries caused by a person who is, or may be liable for payment of the services and allow providers to seek payment of full charges from potentially liable third parties after Medicaid payment has been received.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 9. Recovery**

**Chapter 83. Third Party Liability**

**Subchapter B. Provider Billing and Recovery**

**§8323. Provider Responsibilities**

A. At the time services are delivered or at any time thereafter, providers must make a good faith effort to determine if services being provided to the recipient are a result of injuries caused by a person who is, or may be, liable for payment for the services.

1. The good faith effort required by this §8323 may be satisfied by examination and verification of the recipient's Medicaid eligibility card for third party resources and making reasonable written inquiry of the recipient and/or the recipient's representative at the time services are provided.

2. Providers must submit information relating to the existence or possible existence of third party liability obtained from the recipient or the representative of the recipient at the time a claim is submitted to Medicaid for payment.

B. Providers are required to pursue recovery from third parties whose liability have been established or are undisputed before submitting a claim for payment to Medicaid.

C. Providers who identify a third party within 12 months from the date of service and wish to submit a bill, or other written demand for payment, or collection of debt to a third party after a claim for payment has been submitted and paid by Medicaid, must:

1. provide written notice to the Medicaid Third Party Liability Recovery Unit. The notice must be in writing, signed and dated. Required information includes, but is not limited to:

- a. name, address, and appropriate identification number of the provider of services and/or supplies;
- b. the date of the claim;
- c. the name, address, identification number, and date of birth of the individual who received the services and/or supplies;
- d. the date(s) each service and/or supplies were provided;
- e. the amounts of each charge for the various types of services and/or supplies;
- f. the total charge for services and/or supplies; and

g. the date of the recipient's death, if applicable;

2. give written notice to the recipient, or the representative of the recipient, that the provider may or will pursue a third party for payment of the claim. The notice must contain a prominent disclosure that the provider is prohibited from billing the recipient or a representative of the recipient for any Medicaid-covered services, regardless of whether there is an eventual recovery or lack of recovery from the third party or Medicaid; and

3. refund any amounts paid by Medicaid within 30 days of the date of the notice of intent and prior to submitting a bill or other written demand for payment or collection of debt to the third party for payment.

D. A provider who avails himself of Subsection C may only do so if:

1. the provider establishes its right to payment separate of any amounts claimed and established by the recipient; and

2. the provider obtains a settlement or award in its own name separate from a settlement obtained by or on behalf of the recipient, or award obtained by or on behalf of the recipient; or

3. there is a written agreement between the recipient or attorney, or representative of the recipient and the provider, that specifies the amount which will be paid to the provider after a settlement or award is obtained by the recipient.

E. Providers who pursue a third party payment, but do not receive payment from the third party within 12 months from the date of service, may submit a claim to Medicaid as long as it is received by Medicaid within 12 months from the date of service. Upon receipt of payment from Medicaid, the provider must withdraw, relinquish and waive its claim, privilege, and demand for payment from the third party. If payment is received from the third party and payment has been made by Medicaid, the provider must refund to Medicaid the amount paid by Medicaid within 30 days of receipt of payment from the third party. If the provider does not make an effort to bill the third party, or the failure to pay by the third party is the result of an error by the provider, then no claim can be submitted to Medicaid.

F. Providers are limited to the Medicaid payable amount and the provider is required to accept the amount paid by Medicaid as payment in full if a claim for payment is submitted and paid by Medicaid and the provider failed to comply with each of the requirements under Subsection C.

G. Except as provided by Subsection C of this §8323, payments made by third parties to a provider, after the provider has been paid by Medicaid, must be forwarded by the provider to Medicaid.

H. Any provider who accepts Medicaid payment for services and retains any amount from a third party and fails to reimburse Medicaid within 30 days of receipt of third party funds resulting in excessive or duplicate payment for the same service, shall be referred for investigation and prosecution for violations of state and/or federal Medicaid or false claims laws.

I. Providers are prohibited from submitting a bill or other written demand for payment or collection of debt for any Medicaid-covered service from an individual who the provider knows or should know is a Medicaid recipient or

from the representative of a recipient, regardless of whether a claim for payment for the service is submitted to Medicaid.

1. If a provider attempts to recover any amount from a recipient for a Medicaid covered service, Medicaid may provide for a reduction of an amount otherwise payable to the provider in addition to referring the provider for investigation and prosecution for violations of state and/or federal Medicaid or false claims laws. The amount of the reduction may be up to three times the amount the provider sought.

2. If a Medicaid recipient or representative does acquiesce to the provider's demand or the provider otherwise collects on the demand for payment, the amount of the reduction may be up to five times the amount paid by the recipient or representative.

3. In addition to the amount of any reduction in Paragraphs 1 and 2 of this Subsection I, the provider may be terminated from the Medicaid Program and the provider shall be referred for investigation and prosecution for violations of state and federal Medicaid or false claims laws.

J. A provider shall not be prohibited from submitting reasonable requests for information to a recipient, or representative of a recipient, to assist the provider in identifying a third party. However, any inquiry which would lead a reasonable person to believe that the provider was making a demand for payment, or attempting to collect an unpaid debt, will bring the provider within the limitations and prohibitions under Subsection I above.

K. Medicaid will not accept and cannot pay any claim for payment submitted after 12 months from the date of service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, January 26, 2006 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Third Party Liability  
Provider Billing and Recovery**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact to the state other than cost of promulgation for FY 05-06. It is anticipated that

\$544 (\$272 SGF and \$272 FED) will be expended in FY 05-06 for the states administrative expense for promulgation of this proposed rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 05-06. It is anticipated that \$272 will be expended in FY 05-06 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule proposes to adopt provisions for provider billing and recovery from third parties which would mandate that providers make a good faith effort to determine whether the services being provided to a Medicaid recipient are a result of injuries caused by a person who is or may be liable for payment of the services and allow providers to seek payment of full charges from potentially liable third parties after Medicaid payment has been received (approximately 8,000 cases). It is anticipated that implementation of this proposed Rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known impact on competition and employment.

Ben A. Bearden  
Director  
0512#100

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Corrections Services

Visitation: Adult Inmates (LAC 22:I.316)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, amends the contents of §316. Visitation: Adult Inmates.

The purpose of this amendment is to update the secretary's policy to maintain an inmate's family ties while also maintaining adequate control and supervision of the visiting process. In this matter, as in all others affecting institutional operations, safety, and security are primary considerations.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part 1. Corrections

#### Chapter 3. Adult Services

#### Subchapter A. General

#### §316. Visitation: Adult Inmates

A. Purpose. To establish the secretary's policy regarding inmate visiting at all adult secure institutions.

B. Applicability. Deputy secretary, chief of operations, assistant secretary and wardens. The warden is responsible for implementing this regulation and conveying its content to all inmates, affected employees and visitors.

C. General. The department recognizes the importance of visitation in the maintenance of an inmate's family ties. However, there must be approved rules and procedures so that the visiting process does not overtax the institution's ability to process visitors and so that adequate control and supervision of the visiting process can be maintained. In this matter, as in all others affecting institutional operations, safety and security are primary considerations.

#### D. Inmate Visiting

1.a. When an inmate is received at an institution, written information regarding visiting procedures will be made available to him within 24 hours after arrival at the facility. Such information should include but is not limited to: institution address and phone number; directions to the institution and information regarding local transportation; days and hours of visitation; approved dress code and identification requirements; authorized items; rules for children; and special visits.

b. The inmate will be afforded the opportunity to choose no more than 10 individuals (subject to the provisions of this regulation) to be placed on his visiting list. An inmate participating in a special recognition program may, at the warden's discretion, be allowed to have up to 15 visitors placed on his visiting list. Specific criteria for such programs will be developed by the warden. Legal advisors, one approved religious advisor, and children 14 years and younger may be allowed to visit without being included in this number. It is the inmate's responsibility to provide the correct name, address, birth date, race, and sex of the visitor. A record shall be maintained of approved visitors, as well as a confirmation of their actual visits. When an inmate is transferred to another institution, all visiting information will be sent with the inmate for use at the receiving institution. This includes transfers to work release programs. The inmate's current visiting information should be utilized by the work release program to allow for visitation.

EXCEPTION: Inmates housed at the Louisiana Correctional Institute for Women shall have visitors placed on their visiting list in accordance with LCIW Regulation No. 4-02-002 "Resident Classification Plan/Classification Status Review."

2.a. All proposed visitors will be checked for criminal history. The methods of obtaining this history are:

- i. Sending out requests for a police check to local law enforcement agencies (see Appendix A-"Police Questionnaire");
- ii. CAJUN 2;
- iii. NCIC; or
- iv. LACCH.

b. While the use of LACCH is considered optimum, the warden retains the option of choosing the method of obtaining the police record that best meets the needs of the institution. Each institution may honor the criminal history check of another institution.

3.a. The approval of ex-inmates as visitors is at the discretion of the warden. Notwithstanding this, any person who has been convicted of a felony and who has not been finally discharged from an institution or from probation or parole supervision more than two years without an intervening criminal record should be denied approval to visit. In addition, any person who in the previous five years has three or more felony charges (regardless of disposition) should be denied approval to visit, or approved visiting should be revoked.

b. These restrictions may be waived if the visitor is an identifiable parent, legal spouse, sibling, grandparent, or child of the inmate and the warden approves such visitation.

4. An ex-employee of the department may be denied approval to visit if such denial is deemed by the warden to be in the best interest of the institution.

5.a. All minors (under the age of 17) must be accompanied by an adult who is on the approved visiting list and who is either:

- i. a family member of the minor; or
- ii. the minor's legal guardian.

b. Visitors who are 15 or 16 will be counted on the inmate's visiting list even though they must be accompanied by an approved adult.

c. Exceptions to being accompanied by an adult may be made in the following cases:

- i. minor spouse;
- ii. emancipated minors (Judgment of Emancipation required as proof); or
- iii. minors visiting as part of approved institutional programs such as school groups, church groups, parenting groups, etc.

#### 6. Restrictions on Visiting

a. An inmate may refuse to see a visitor but he will be asked to sign a statement to that effect (or documentation will be placed in his file that he refuses to do so);

b. A person may be removed from the approved visiting list at his own request or at the request of the inmate;

c. Any person may be denied permission to visit during the time of a disturbance at the institution. All visiting may be suspended during an emergency;

d. A visitor can be on only one inmate's visiting list unless that visitor is an immediate family member of more than one inmate. The burden of proof and documentation will be the responsibility of the inmate and his family.

7. All visitors (except minors) must have picture identification in order to visit an inmate.

8. When an inmate requests a visitor be added to his visiting list, it shall be the inmate's responsibility to send the attached questionnaire (see Appendix B) to the proposed visitor. By signing the questionnaire, the visitor is agreeing to be on the inmate's list and to obey the institution's rules. The information received from the questionnaire will be used to run the criminal history check prior to final approval.

9. It is the institution's responsibility to develop and post procedures regarding the notification of visitors of their approval or disapproval.

10. Grandfather Clause. All approved visitors who were on an adult inmate's visiting list on May 31, 1993, will remain approved (unless removed for cause). If the inmate has more than 10 approved visitors, the inmate may not add or substitute an additional visitor without bringing his visiting list into compliance with the regulation.

E. Changing the Visiting List. Each inmate shall be allowed to request changes (additions, deletions, substitutions) to his approved visiting list every four months.

1. When an inmate enters an institution and has no established visiting record, tentative approval to visit should be given to the inmate's parents, legal spouse, grandparents, siblings, and children upon request of the inmate. Some preliminary verification of relationship may be required.

Exceptions must be approved by the warden or his designee and be based upon legitimate security considerations.

2. When an inmate transfers to another institution, his approved visitors should be approved at the receiving institution, unless it is demonstrated that the requirements/restrictions of this policy were not previously adhered to in the approval process or unless the warden at the receiving institution identifies the need to apply restrictions based upon current security considerations. An inmate shall be allowed to request a change in his visiting list when he first arrives and at four month intervals thereafter.

#### F. Number, Duration, and Conditions of Visits

1. Approved visitors should be allowed to visit the inmate at least two times per month.

2. While a two hour visit is optimum, each warden or designee retains the discretion to determine the duration of visits, as well as the days and hours on which they may occur. Available space and staff will determine visiting lengths.

3. Each warden or his designee retains the discretion to determine the number of visitors who may visit an inmate at one time. Family visiting and contact visits are to be permitted to the extent possible.

4. All visitors are to be informed in writing of the rules governing visiting. Rules will be conspicuously posted in the visiting areas.

5. Any visit may be terminated if the inmate or visitor violates the rules governing visiting.

6. Dress Code for Visitors. All visitors must be dressed appropriately. Institutional policy should allow the wearing of shorts, skorts, or culottes where the length and appearance are acceptable. See through clothing and seductive garments are not allowed. All visitors must wear full-length shirts. Tanks tops are not allowed. Blue chambray shirts and gray or white sweatshirts are not allowed to be worn by visitors where they are allowed to be worn by the inmate population. Shoes should be appropriate (house slippers, thongs, or shower shoes are not allowed). Individuals improperly dressed may be refused permission to visit.

7. Institutions that have the capability of conducting non-contact/screened visitation may restrict contact visiting privileges of inmates who are housed in segregation and disciplinary units or who have been found guilty of a contraband-related violation relative to the visiting process. Contact visiting privileges shall be restricted for inmates who have been found guilty of drug related disciplinary charges including but not limited to contraband for possession of drugs and/or a positive reading on a urinalysis or breathalyzer test as defined in the Disciplinary Rules and Procedures for Adult Inmates, or who have refused to be tested or to cooperate in testing. Such restriction must be formally reviewed every six months at a minimum. Restriction of contact visiting is not a disciplinary penalty.

8. Picnic visits are authorized as approved by the warden or designee.

#### G. Suspension of Visiting Privileges

1. Any person may be refused approval to visit an inmate and removed from the approved visiting list if the visitor does not comply with the rules of the institution.

(Such removal may be temporary or permanent, depending upon the severity of the violation and should be in accordance with Paragraph C of this Section.)

2. Any person may be refused approval to visit an inmate if the conduct of the visitor amounts to a violation of State and/or Federal law, such as assault, battery, disturbing the peace, introduction or attempted introduction of contraband, lewd behavior, etc. (Such removal may be temporary or permanent, depending upon the severity of the violation and should be in accordance with Paragraph C of this Section.)

3. If an offense is such that it is the warden's desire to remove the visitor from the visitor list (either indefinitely or for a fixed period of time), the following procedure must be used:

a. The warden or his designee must notify the visitor in writing that he has been removed from all applicable visiting lists, the reason why, and that the removal will be reviewed after a specified amount of time. The visitor shall also be notified that he may appeal the warden's decision to the secretary by sending a letter within fifteen days of the date of the notice;

b. If the visitor exercises this appeal right, the secretary or his designee will review the appeal and investigate, as appropriate, within thirty days of notice. If necessary, a hearing will be scheduled and the visitor will be notified of the time, date and location of the hearing;

c. The warden or his designee may submit a report to the secretary setting forth any information that he feels may assist in making the decision. If a hearing is held, the secretary or his designee may determine that the warden or his designee should attend this hearing, in which event the warden shall be so advised. Otherwise, the hearing shall consist of a meeting between the visitor and the secretary or his designee, and shall be preserved by minutes.

d. The secretary shall render a written decision granting or denying the appeal and shall notify the visitor and the warden of the decision without undue delay. Brief reasons for the decision shall be given.

H. Treatment of Visitors

1. There will be no discrimination in visiting. All visitors and inmates should be provided equal opportunities in visiting, in accordance with the inmate's security class and housing assignment.

2. Visitors will be treated with courtesy at all times and will not be subjected to unnecessary delay or inconvenience in accomplishing a visit.

3. All visitors with disabilities will have readily accessible facilities and will be reasonably accommodated as appropriate and to the extent possible within the context of the department's fundamental mission to preserve the safety of the public, staff, and inmates.

I. Special Visits

1. The warden or designee may approve "special visits" on a case-by-case basis including:

2. Persons who are unable to visit on regular visiting days, friends and relatives from out of state, persons visiting for business purposes;

3. Additional visitors or extended visiting periods (in addition to those allowed by institutional procedures);

4. A person otherwise restricted from visiting.

J. Appendices

1. Law Enforcement Form

Appendix A

UNIT:

RE:  
DOC#

Dear:

We are establishing an approved visitors list for the above referenced inmate. He has requested that he be permitted to receive visits from the persons named below:

It would be appreciated if you would furnish the following information:

C. Does this person possess an arrest record?

\_\_\_\_\_

If so, what are the specific offenses and dispositions?

\_\_\_\_\_

D. We would greatly appreciate any additional information you feel would be beneficial to us.

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you for your cooperation. Any information furnished will be treated confidentially.

Sincerely,

\_\_\_\_\_  
Visiting Officer

2. Facility Form

UNIT: RE: \_\_\_\_\_ DOC# \_\_\_\_\_

Dear:

The above referenced inmate has requested that you be approved to visit this facility. However, prior to approval, it is imperative that we have the information below: (Your reply will be treated confidentially).

NOTE: THIS FORM MUST BE COMPLETED IN ITS ENTIRETY AND RETURNED TO THIS FACILITY WITHIN \_\_\_\_\_ DAYS IF YOU DESIRE TO VISIT.

Do you wish to visit this inmate? \_\_\_\_\_

Your Name \_\_\_\_\_ Social Security Number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Birth Date \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Phone Number \_\_\_\_\_ Marital Status \_\_\_\_\_

Relationship to Inmate \_\_\_\_\_  
Name Any Other Inmate(s) You Are Presently Visiting and Where \_\_\_\_\_  
\_\_\_\_\_

Have you or a family member been the victim of a crime committed by this inmate?

\_\_\_\_\_

\_\_\_\_\_

Have you ever been employed by the Department of Public Safety and Corrections, Correction Services? If yes, dates of employment and location? \_\_\_\_\_

Have you ever been arrested for a felony? \_\_\_\_\_ If yes, give offense, location, date and disposition. It is not necessary to list misdemeanors or a 1st offense DWI.

If you are under age 17, your parent or legal guardian must complete the following: I, \_\_\_\_\_, give permission for \_\_\_\_\_ to visit the above named inmate at this facility. I realize that all visitors are subject to personal and computer search by Department personnel.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Visiting Officer

\_\_\_\_\_  
For Office Use Only

Computer Operator \_\_\_\_\_ Date \_\_\_\_\_

Results: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:2 (January 1979), amended LR 11:1096 (November 1985), repromulgated LR 29:2851 (December 2003), LR 32:

**Family Impact Statement**

In accordance with the Administrative Procedure Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Amendment of the current LAC 22:I.316, Visitations:Adult Inmates, by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed Rule amendment.

Interested persons may submit written comments until 4:30 p.m., December 6, 2005, to Melinda L. Long, Department of Public Safety and Corrections, Office of Adult Services, 504 Mayflower Street, Baton Rouge, LA 70804.

Richard L. Stalder  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Visitation: Adult Inmates**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no estimated costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no estimated effect on competition and employment.

Trey Boudreaux  
Undersecretary  
0512#085

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Policy Services Division**

Computation of Net Allocable Income from  
Louisiana Sources  
(LAC 61:I.1130)

Editor's Note: The following Notice of Intent, originally published in the September 2005 *Louisiana Register* on page 2285, is being republished to provide the public an extended time period for comment.

Under the authority of R.S. 47:287.81, R.S. 47:287.92, R.S. 47:287.93, R.S. 47:287.785, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1130 relative to the computation of net allocable income from Louisiana sources.

The primary purpose of this regulation is to update the corporation income tax regulation relating to the allocation of items of income and expense and to make the regulation easier to understand. Changes resulting from the enactment of the Louisiana Headquarters and Growth Act of 2005 are included. This regulation has not been revisited in depth since the corporate income tax statutes were enacted in 1986. This regulation will provide more guidance on the treatment of intangible assets than the current regulation.

## Title 61

### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 11. Income: Corporation Income Tax

#### §1130. Computation of Net Allocable Income from Louisiana Sources

A. Allocation of Items of Income and Loss. R.S. 47:287.93 provides that items of gross allocable income or loss shall be allocated directly to the state or states within which such items of income are earned or derived. The statute attributes every item of gross allocable income to a location and does not allow for any unallocated items of income. The principles embodied in the statute and this regulation are that items of allocable income from the use of tangible assets are allocated to the location of the tangible asset at the time of the use; income from the use of intangible assets is allocated to the business situs of the intangible asset, or in the absence of a business situs, to the commercial domicile of the corporation; and items of allocable income from services are allocated to the location at which the service was performed.

##### 1. Rents and Royalties from Immovable or Corporeal Movable Property

a. Rents and royalties from immovable or corporeal movable property shall be allocated to the state where such property is located at the time the income is derived.

b. Rents or royalties from incorporeal immovables, such as mineral interests, are allocated to the state in which the property subject to the interest is located.

##### 2. Interest from Controlled Corporation

a. Under the provisions of R.S. 47:287.738(F)(2), a corporation may elect to pay tax on interest income from a corporation that is controlled by the former through direct ownership of 50 percent or more of the voting stock of the latter.

b. The election is made for each taxable period by employing the method on the return or amended return.

c. If the election is made, interest from securities and credits that is received by the electing corporation from another corporation controlled by the former through the direct ownership of 50 percent or more of the voting stock of the latter, shall be allocated to the state or states in which the real and tangible personal property of the controlled corporation is located. The allocation shall be made on the basis of the ratio of the value of such property located in Louisiana to the value of such property within and without the state, as follows.

i. Real and tangible personal property includes all such property of the controlled corporation regardless of whether the property is idle or productive and regardless of the nature of the income that it produces.

ii. The value of Louisiana real and tangible property and real and tangible property within and without the state shall be the average value of such property at the beginning and close of the taxable period, determined on a comparable basis. If the average value does not fairly represent the average of the property owned during the year, the average value shall be obtained by dividing the sum of the monthly balances by the number of months in the taxable period.

##### iii. Value of Property to Be Used

(a). For purposes of this Subsection, the value of property to be used shall be determined using one of the following methods. The taxpayer will choose which valuation method to use on the first return filed following the effective date of this regulation on which a R.S. 47:287.738(F)(2) election is made by employing the chosen valuation method on the tax return. Once a valuation method is chosen, this valuation method must be used on all future returns upon which the R.S. 47:287.738(F)(2) election is made and cannot be changed without the approval of the secretary upon the showing of good cause:

(i). the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, amortization, depletion, and obsolescence, or

(ii). the value of property is cost to the taxpayer, so long as the property continues to be used in the taxpayer's trade or business;

(iii). the value of property is the value reflected on the taxpayer's books, so long as the value is not below zero.

(b). The secretary may require a different method of valuation or adjust reserves if the method elected by the taxpayer does not reflect the fair value of the property.

##### 3. Royalties or Similar Revenue Received for the Use of Patents, Trademarks, Copyrights, Secret Processes, and Other Similar Intangible Rights

a. Royalties or similar revenue received for the use of patents, trademarks, copyrights, secret processes, and other similar intangible rights shall be allocated to the state or states in which such rights are used. The use referred to is that of the licensee rather than that of the licensor.

i. Example: X Company, Inc., a Delaware corporation with its commercial domicile in California, owns certain patents relating to the refining of crude oil, which at all times were kept in its safe in California. During 2006, the X Company, Inc. entered into an agreement with the Y Corporation whereby that company was given the right to use the patents at its refineries in consideration for the payment of a royalty based upon units of production. The Y Corporation used the patents exclusively at its Louisiana refinery and paid the X Company, Inc. the amount of \$100,000.00 for such use. The entire royalty income of \$100,000.00 is allocable to Louisiana.

ii. Example: ABC Company, Inc. is a trademark holding company incorporated in Delaware that owns certain trademarks relating to the sale of retail goods and/or services. In 2005, ABC entered into a licensing agreement with XYZ Retail Co. in which XYZ was authorized to use the trademark in exchange for consideration of royalty payments. In 2006, XYZ used the trademark to promote the sale of retail goods and/or services in Louisiana. The royalty payment attributable to the Louisiana stores was \$250,000. ABC must allocate the royalty income of \$250,000 to Louisiana.

b. Income from a mineral lease, royalty interest, oil payment, or other mineral interest shall be allocated to the state or states in which the property subject to such mineral interest is situated.

##### 4. Income from Construction, Repair, or Other Similar Services

a. Income from construction, repair, or other similar services is allocable to the state or states in which the work is done.

b. The phrase other similar services means any work that has as its purpose the improvement of immovable property belonging to a person other than the taxpayer where a substantial portion of such work is performed at the location of such property.

i. It is not necessary that the services rendered actually result in the improvement of the immovable property.

ii. Mineral Properties. For the purpose of this Section, mineral properties, whether under lease or not, constitute immovable properties. Thus, the drilling of a well on a mineral lease is considered to have as its purpose the improvement of such property notwithstanding the fact that the well may have been dry.

c. Examples of other similar services include, but are not limited to:

- i. landscaping services;
- ii. the painting of houses;
- iii. the removal of stumps from farmland; and
- iv. the demolition of buildings.

B. Deduction of Expenses, Losses and Other Deductions. From the total gross allocable income from all sources and from the gross allocable income allocated to Louisiana there shall be deducted all expenses, losses, and other deductions, except federal income taxes, allowable under the Louisiana income tax law that are directly attributable to such income plus a ratable portion of the allowable deductions, except federal income taxes, that are not directly attributable to any item or class of gross income.

#### 1. Interest Expense

a. The method of allocation and apportionment for interest set forth in these regulations is based on the approach that money is fungible and that interest expense is attributable to all activities and property regardless of any specific purpose for incurring an obligation on which interest is paid. Exceptions to the fungibility method are set forth in LAC 61:I.1130.B.1.b. The fungibility approach recognizes that all activities and property require funds and that management has a great deal of flexibility as to the source and use of funds and that the creditors of the taxpayer look to its general credit for repayment and thereby subject the money loaned to the risk of all of the taxpayer's activities. When money is borrowed for a specific purpose, such borrowing will free other funds for other purposes, and it is reasonable under this approach to attribute part of the cost of borrowing to such other purposes. Consistent with the principles of fungibility, except as otherwise provided, the aggregate of deductions for interest in all cases shall be considered related to all income producing activities and assets of the taxpayer and, thus, allocable to all the gross income that the assets of the taxpayer generate, have generated, or could reasonably have been expected to generate.

b. Exceptions to the fungibility method are allowed in the same circumstances that exceptions are allowed by IRC §861 and the regulations promulgated thereunder. These exceptions include:

i. the direct allocation of interest expense to the income generated by certain assets that are subject to qualified nonrecourse indebtedness;

ii. the direct allocation of interest expense to income generated by certain assets that are acquired in integrated financial transactions.

c. Interest Expense Applicable to Louisiana Gross Allocable Income. Interest expense that is applicable to assets that produce or that are held for the production of Louisiana gross allocable income shall be an item of deduction in determining net allocable income or loss from Louisiana.

i. Except as otherwise provided, the amount of interest that is applicable to such assets shall be determined by multiplying the amount of interest expense applicable to total allocable assets, determined without reference to the income limitation in the case of investments in U.S. government bonds and notes held as temporary cash investments, by a ratio, the numerator of which is the average value of assets that produce or that are held for the production of Louisiana allocable income and the denominator of which is the average value of assets that produce or that are held for the production of allocable income within and without Louisiana.

ii. When Louisiana net apportionable income is determined on the separate accounting method, refer to LAC 61:I.1132.C.2 for rules pertaining to the determination of the amount of interest expense applicable to Louisiana allocable income.

d. Interest Expense Applicable to Total Allocable Assets

i. Interest expense applicable to total allocable assets is interest expense that is applicable to assets that produce or that are held for the production of allocable income within and without Louisiana.

ii. When a R.S. 47:287.738(F)(2) election is made, assets that produce or that are held for the production of allocable income will include direct investments in 50 percent or more owned subsidiaries (other than normal trade accounts receivable) whether or not such investments, advances, or loans produce any income.

iii. The amount of interest that is applicable to assets producing or held for the production of allocable income shall be determined by multiplying the total amount of interest expense by a ratio, the numerator of which is the average value of assets that produce or that are held for the production of allocable income, and the denominator of which is the average value of all assets of the taxpayer.

iv. Although income exempt from Louisiana income tax, such as interest, is not taxable and is therefore not included in allocable income, the adjustment for the amount of interest expense applicable to assets producing such income is computed in the same manner as in the case of assets producing allocable income.

(a). For convenience of computation such assets are grouped with assets producing or held for the production of allocable income.

(b). Whenever interest expense applicable to U.S. government bonds and notes that are held as temporary cash investments determined as provided above, exceeds the amount of income derived from such investments, the

interest expense that is attributable to such investments shall be limited to the amount of income derived from such investments.

(c). The amount of interest expense applicable to U.S. government bonds and notes that are held as temporary cash investments, determined without reference to the income therefrom, is that portion of the interest expense applicable to assets that produce or that are held for the production of allocable income, that the ratio of the average value of U.S. government bonds and notes held as temporary cash investments bears to the average value of all assets that produce or that are held for the production of allocable income.

e. Investments in Stock of Controlled Corporations. When a corporation holds stock in corporations controlled by direct ownership of 50 percent or more of the voting stock of the latter, the stock shall be included in the numerator of the Louisiana interest expense computation as Louisiana assets based on the following allocation.

i. This stock is to be attributed as Louisiana assets on the basis of the proportion of the respective amounts of income upon which Louisiana income tax has been paid to all income, including exempt income, earned everywhere of the controlled corporation.

ii. Stock held in corporations exempt from Louisiana income tax shall not be included as a Louisiana asset for the purpose of this computation.

f. Loans to Controlled Corporations

i. When a R.S. 47:287.738(F)(2) election is made and the electing corporation loans interest-bearing funds to corporations controlled by direct ownership of 50 percent or more of the voting stock of the controlled corporation, the receivable shall be included in the numerator of the Louisiana interest expense computation as Louisiana assets based on the following allocation.

(a). These receivables are to be attributed as Louisiana assets on the basis of the ratio of the value of the controlled corporation's real and tangible personal property located in Louisiana to the value of such property within and without Louisiana.

(b). For the purpose of the allocation, real and tangible personal property includes all such property of the controlled corporation regardless of whether the property is idle or productive and regardless of the nature of the income that it produces.

ii. Receivables Resulting from Loans of Non-Interest Bearing Funds. When a R.S. 47:287.738(F)(2) election is made:

(a). receivables resulting from loans of non-interest bearing funds to controlled corporations are deemed to be assets producing or held for the production of allocable income for the purpose of determining the amount of interest expense applicable to assets that produce or that are held for the production of allocable income from sources within and without Louisiana;

(b). when receivables resulting from loans of non-interest bearing funds to controlled corporations have a Louisiana business situs, or, in the absence of a business situs, the lending corporation has a Louisiana commercial domicile, such receivables shall not be included in the

numerator of the interest expense allocation formula for the purpose of LAC 61:I.1130.B.1.c., unless the secretary, in order to clearly reflect Louisiana apportionable and allocable net income, imputes interest income on such receivables.

g. Average Value

i. Except as otherwise provided in this Section, average value shall mean the value at the beginning of the taxable period plus the value at the end of the taxable period, the sum of which is divided by two.

ii. If the average value as calculated above does not fairly represent the average of the property owned during the year, the average value shall be obtained by dividing the sum of the monthly balances by the number of months in the taxable period.

h. Value of Property to Be Used

i. For purposes of this Subsection, the value of property to be used shall be determined using one of the following methods. The taxpayer will elect which method to use on the first income tax return filed for the taxable period following the taxable period in which these regulations take effect by employing the elected method on the tax return. Once made, the election is irrevocable, without the approval of the secretary upon the showing of good cause:

(a). the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, amortization, depletion, and obsolescence, or

(b). the value of property is cost to the taxpayer, so long as the property continues to be used in the taxpayer's trade or business, or

(c). the value of property is the value reflected on the taxpayer's books, so long as the value is not below zero.

ii. The secretary may require a different method of valuation or adjust reserves if the method elected by the taxpayer does not reflect the fair value of the property.

iii. Intangible assets that produce or that are held for the production of allocable income within and without Louisiana may acquire a business situs in more than one state. The percentage of the value of the asset that is to be attributed to Louisiana is a factual determination required to be made with respect to each asset and will take into consideration such factors as:

(a). the number of locations at which the asset is used;

(b). the number of days during the taxable period the asset is used within and without Louisiana;

(c). the amount of income that the asset generated within and without Louisiana; and

(d). the earning power of the asset at the time the interest expense is generated.

i. Examples. The following examples are applicable for both foreign and domestic corporations.

(a). Example 1. The XYZ Corporation has incurred interest expense in the amount of \$150,000.00 during the year 2006 and has not elected to treat interest income from 50 percent or more owned subsidiaries as taxable income. The subsidiary of XYZ Corporation earns no income in Louisiana. During 2006 XYZ Corporation derived total allocable and exempt income and Louisiana allocable income as follows:

	Louisiana	Total
*Interest from 80% owned Subsidiary	\$ -0-	\$ 10,000
*Interest (interest bearing checking)	-0-	5,000
Dividends	-0-	5,000
Net rent income	10,000	10,000
Trademark royalty income	<u>4,000</u>	<u>10,000</u>
Total	\$ <u>14,000</u>	\$ <u>40,000</u>

\*Exempt but included with allocable income only for convenience in computing the applicable expense.

(i). Its assets, liabilities, and net worth as of January 1, 2006, and December 31, 2006, were as follows:

	1-1-06		12-31-06	
Assets:				
Cash (currency on hand)	\$	10,000	\$	10,000
Cash (non-interest bearing checking)		90,000		140,000
Cash (interest bearing checking)		110,000		220,000
Accounts receivable		780,000		800,000
Inventories		600,000		1,000,000
Stocks – 80% owned subsidiary		100,000		100,000
Trademark		80,000		80,000
Loan to 80% owned subsidiary		310,000		430,000
Real estate (rental property)	\$	100,000	\$	100,000
Less depreciation reserve		<u>20,000</u>		<u>25,000</u>
Net		80,000		75,000
Real estate		5,000,000		5,125,000
Less depreciation reserve		<u>1,080,000</u>		<u>1,300,000</u>
Net		<u>3,920,000</u>		<u>3,825,000</u>
Total Assets	\$	<u><u>6,080,000</u></u>	\$	<u><u>6,680,000</u></u>
Liabilities and Net Worth:				
Accounts payable	\$	400,000	\$	1,000,000
Bonds		<u>3,000,000</u>		<u>3,000,000</u>
Total Liabilities	\$	3,400,000	\$	4,000,000
Capital stock	\$	2,080,000	\$	2,080,000
Earned surplus		<u>600,000</u>		<u>600,000</u>
Net worth	\$	2,680,000	\$	2,680,000
Total Liabilities and Net Worth	\$	<u><u>6,080,000</u></u>	\$	<u><u>6,680,000</u></u>

(ii). The amount of interest that is applicable to the assets that produce or are held for the production of allocable or exempt income within and without Louisiana is \$18,633, determined as follows:

	Allocable Investments		Total Assets	
	1-1-06	12-31-06	1-1-06	12-31-06
Loan to 80% owned subsidiary	\$ 310,000	\$ 430,000	\$ 310,000	\$ 430,000
Cash (interest bearing checking)	\$ 110,000	220,000	110,000	220,000
Rental property (net)	80,000	75,000	80,000	75,000
Stock – 80% owned subsidiary	100,000	100,000	100,000	100,000
Trademark asset	80,000	80,000	80,000	80,000
Other assets	0	0	5,400,000	5,775,000
Totals	\$ 680,000	\$ 905,000	\$ 6,080,000	\$ 6,680,000
1-1-06 totals		<u>680,000</u>		<u>6,080,000</u>
Totals		\$ <u>1,585,000</u>		\$ <u>12,760,000</u>
Average		\$ <u>792,500</u>		\$ <u>6,380,000</u>
Ratio				.12422
Interest expense allocated to total allocable assets (.12422 x \$150,000)				\$ <u>18,633</u>

(iii). The amount of interest expense that is applicable to the assets that produce or are held for the production of Louisiana allocable income is \$2,668 determined as follows:

Louisiana Allocable Assets:	
January 1, 2006—Rental property	\$ 80,000
**January 1, 2006—Trademark asset	32,000
December 31, 2006—Rental property	75,000
**December 31, 2006—Trademark Asset	40,000
Total	<u>\$ 227,000</u>
Average Louisiana allocable assets	\$ 113,500
Average total allocable assets	792,500
Ratio of Louisiana average to total average allocable assets	.14322
Interest expense attributed to total allocable or exempt assets	\$ 18,633
Interest expense allocated to Louisiana allocable assets (.14322 x \$18,633)	\$ 2,668

\*\*For purposes of this example, it has been assumed that the ratio of trademark royalties for the prior month from Louisiana sources to total trademark royalties for the prior month is representative of the value of the asset attributable to Louisiana at balance sheet date. In December 2005, Louisiana trademark royalties were \$480 and total trademark royalties were \$1,200. In December 2006, Louisiana trademark royalties were \$550 and total trademark royalties were \$1,100.

(b). Example 2. Assume the same facts as Example 1 except that XYZ Corporation has elected under R.S.47:287.738(F)(2) to treat interest income from its 50 percent or more owned subsidiary as taxable allocable income. The ratio of the value of real and tangible personal property of the controlled corporation located in Louisiana to the value of such property within and without Louisiana is 10 percent for both the beginning and ending balance sheets. Therefore, 10 percent of the interest from the subsidiary is allocated to Louisiana and 10 percent of the receivable is attributed to Louisiana. In addition, the ratio of the subsidiary's income earned within Louisiana upon which Louisiana income tax has been paid to income earned everywhere of the subsidiary in the prior and current years is five percent. Therefore 5 percent of XYZ's investment in the subsidiary is attributed to Louisiana. Example 1 would change as follows:

(i). Total allocable and exempt income and Louisiana allocable income would be:

	Louisiana	Total
*Interest from 80% owned Subsidiary	\$1,000	\$10,000
**Interest (interest bearing checking)	0	\$5,000
**Dividends	0	\$5,000
Net rent income	\$10,000	\$10,000
Trademark royalty income	\$4,000	\$10,000
Total	<u>\$15,000</u>	<u>\$40,000</u>

(ii). The amount of interest that is applicable to the assets that produce or are held for the production of allocable or exempt income within and without Louisiana remains \$18,633, calculated in the same manner. The only difference is that the loan to the subsidiary is now an allocable asset. The amount of interest expense that is applicable to the assets that produce or are held for the production of Louisiana allocable income or to the portion of the investment in a 50 percent or more owned

subsidiary that has produced income that has been taxed by Louisiana is \$3,656 determined as follows:

Louisiana Allocable Assets:	
January 1, 2006—Rental property	\$ 80,000
January 1, 2006—Trademark asset	32,000
**January 1, 2006—Stock of subsidiary	5,000
January 1, 2006—Loan to subsidiary	31,000
December 31, 2006—Rental property	75,000
December 31, 2006—Trademark Asset	40,000
**December 31, 2006—Stock of subsidiary	5,000
December 31, 2006—Loan to subsidiary	43,000
Total	<u>\$ 227,000</u>
Average Louisiana allocable assets	\$ 155,500
Average total allocable assets	792,500
Ratio of Louisiana average to total average allocable assets	.19621
Interest expense attributed to total allocable or exempt assets	\$ 18,633
Interest expense attributed to Louisiana (.19621 x \$18,633)	<u>\$ 3,656</u>

\*Taxpayer has elected to be taxed on certain interest income.

\*\*Exempt but included only for convenience in computing the applicable expense.

## 2. Overhead Expense

a. Overhead Expense Attributable to Total Gross Allocable Income Derived from Rent of Immovable or Corporeal Movable Property or from Construction, Repair, or Other Similar Services

i. Overhead expense attributable to Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services shall be deducted from such income for the purposes of determining Louisiana net allocable income or loss from such items of income. The amount of overhead expense attributable to such income shall be determined by multiplying overhead expense attributed to total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services by the arithmetical average of two ratios, as follows:

(a). the ratio of the amount of Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total gross allocable income from such sources;

(b). the ratio of the amount of direct cost incurred in the production of Louisiana gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total direct cost incurred in the production of such income.

ii. Overhead expense attributable to total gross allocable income derived from rent of immovable or corporeal movable property or from construction, repair, or other similar services shall be deducted from such income for the purposes of determining total net allocable income or loss from such items of income. The amount of overhead expense attributable to such income shall be determined by multiplying total overhead expense by the arithmetical average of two ratios, as follows:

(a). the ratio of the amount of total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or

other similar services to total gross income derived from all sources;

(b). the ratio of the amount of direct cost incurred in the production of total gross allocable income derived from rent of immovable or corporeal movable property and from construction, repair, or other similar services to total direct cost incurred in the production of gross income from all sources.

iii. If the taxpayer has not maintained documents or records sufficient to compute the ratios required by this Subparagraph, the secretary shall, upon examination, determine the method by which to attribute overhead expense.

b. Overhead Expense Attributable to All Other Items of Gross Allocable Income. Overhead expense attributable to items of gross allocable income derived from sources within and without Louisiana, except gross allocable income from rent of immovable or corporeal movable property or from construction, repair or other similar services, may be determined by any reasonable method that clearly reflects net allocable income from such items of income.

3. Generally, direct and indirect expenses, other than interest expenses, attributed to allocable income from foreign sources for federal purposes are deductible in arriving at total net allocable income. Expenses, other than interest expenses, sourced pursuant to federal law and regulations to allocable income from foreign sources are presumed to be actual expenses attributed to such income.

C. This regulation shall not restrict the authority of the secretary to adjust the allocation of items of income and expense when the secretary determines that such adjustments are necessary in order to clearly reflect the taxpayer's Louisiana income.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.81, R.S. 47:287.92, R.S. 47:287.93, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:101 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:477 (March 2004), amended LR 32:

#### **Family Impact Statement**

The proposed amendment of LAC 61:I.1130, regarding the computation of net allocable income from Louisiana sources should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments

must be submitted no later than 4:30 p.m., Wednesday, January 25, 2006. A public hearing will be held on Thursday, January 26, 2006, at 9 a.m. in the Calcasieu Room located on the second floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Computation of Net Allocable Income from Louisiana Sources****

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The implementation of this proposed regulation, which updates the corporation income tax regulation relating to the allocation of items of income and expense, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Proposed regulatory changes related to updating corporate income tax regulations will have no effect on revenue collections of state or local governmental units.

The proposed regulations also implement portions of Act 401 of the 2005 Regular Legislative Session (HB 679). Act 401, in its entirety, is estimated to reduce State General Fund revenues by \$4.8 million in FY 2006-07, \$4.4 million in FY 2007-08, \$3.9 million in FY 2008-09, and \$3.5 million in FY 2009-10. The portions of these total fiscal effects associated with these specific proposed regulations implementing that Act is indeterminable.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Statutory changes related to Act 401 of the 2005 Regular Legislative Session will decrease the tax payments of affected businesses by an estimated \$4.8 million in FY 2006-07. Tax reductions for affected businesses associated with these specific proposed regulations implementing that Act are indeterminable.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges  
Secretary  
0512#039

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Revenue Policy Services Division**

#### **Corporation Franchise Tax—Allocation of Taxable Capital (LAC 61:I.306)**

Under the authority of R.S. 47:606, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.306 relative to the allocation of taxable capital.

This proposed regulation updates the corporation franchise tax regulation relating to the changes to the general

allocation formula resulting from the enactment of the Louisiana Headquarters and Growth Act of 2005, provides an example to clarify the attribution of revenue from sales transported by public carrier pipelines, and notifies taxpayers of changes in the secretary's interpretation of the attribution of revenue from sales of services.

#### **Title 61**

### **REVENUE AND TAXATION**

#### **Part I. Taxes Collected and Administered by the Secretary of Revenue**

#### **Chapter 3. Corporation Franchise Tax**

#### **§306. Allocation of Taxable Capital**

A. General Allocation Formula. Every corporation subject to the corporation franchise tax must determine the extent to which its entire franchise taxable base is employed in the exercise of its franchise within this state. For all taxpayers other than those in the business of manufacturing, the extent of such use of total taxable base in the state is determined by multiplying the total taxable capital by the ratio obtained through the arithmetical average of the ratio of net sales made to customers in the regular course of business and other revenues attributable to Louisiana to total net sales made to customers in the regular course of business and total other revenues, and the ratio that the value of all of the taxpayer's property and assets situated or used by the taxpayer in Louisiana bears to all of the taxpayer's property and assets wherever situated or used. For taxpayers in the business of manufacturing, the extent of such use of total taxable base in the state is determined by multiplying the total taxable capital by the ratio of net sales made to customers in the regular course of business and other revenues attributable to Louisiana to total net sales made to customers in the regular course of business and total other revenues.

1. Net Sales and Other Revenue. Net sales to be combined with other revenue in determining both the numerator and denominator of the revenue ratio for purposes of calculating the portion of the taxpayer's total taxable capital to be allocated to Louisiana are only those sales made to customers in the regular course of the taxpayer's business. In transactions in which raw materials, products, or merchandise are transferred to another party at one location in exchange for raw materials, products, or merchandise at another location in agreements requiring the subsequent replacement with similar property on a routine, continuing, or repeated basis, all such transactions shall be carefully analyzed to determine whether they constitute sales made to customers that should be included in the revenue ratio or whether they constitute exchanges that are not sales and should be excluded from the revenue ratio. Sales of scrap materials and by-products are construed to meet the requirements for inclusion in the revenue ratio. Sales made other than to customers, such as, but not limited to, sales of stocks, bonds, futures, options, derivatives, and other evidence of investment on the open market, regardless of the frequency or volume of those sales, shall not be included in the revenue ratio. Similarly, revenues and/or gains on the sale of property other than stock in trade shall not be included in the revenue ratio since they generally do not meet the specific requirements that only sales made to customers in the regular course of business of the taxpayer should be included. Whenever a transaction is not a sale to

customers in the regular course of business, the amount does not constitute other revenue so as to qualify for inclusion in either the numerator or the denominator of the allocation ratio.

a. Sales attributable to Louisiana are those sales where the goods, merchandise, or property are received in Louisiana by the purchaser. Where goods are delivered into Louisiana by public carrier, or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. The transportation in question is the initial transportation relating to the sale by the taxpayer.

i. Transportation by Taxpayer or by Public Carrier. Where the goods are delivered by the taxpayer in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point and whether the carrier be a pipeline, trucking line, railroad, airline, or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation incident to the sale has ended is deemed to be the place where the goods are received by the purchaser.

ii. Transportation by Purchaser

(a). Where the transportation involved is transportation by the purchaser, it is recognized that it is more difficult to determine whether or not the transportation is related to the sale by the taxpayer. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent economic and natural circumstances occurring at the time.

(b). The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

(c). In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the vendor or by a carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B. Houston to a purchaser in Baton Rouge, by common carrier, and a case where all facts are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

iii. Transportation of Natural Resources by a Public Carrier Pipeline. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. However, because of the nature and character of the property, the type of carrier, and the customs of the trade, the natural resources in the pipeline may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In all cases possible,

attribution will be made in accordance with the rules applicable to all public carrier transportation, that is, where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by public carrier pipeline, the sale will be attributed to the state where the crude oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality, but not any specific oil.

iv. Storage of Property after Purchase

(a). In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase and at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the storage is of a temporary nature.

(b). In cases where the storage is permanent or semipermanent, delivery to the place of storage concludes the initial transportation, and the sale is attributed to the place of storage. However, where the storage is of a temporary nature, such as that necessitated by lack of transportation or by change from one means of transportation to another, or by natural conditions, the place of such storage is of no significance.

b. Revenue from Air Transportation. All revenues derived from the transportation of cargo or passengers by air shall be attributed within and without this state based on the point at which the cargo shipment or passenger journey originates.

c. Revenue from Transportation Other Than Air Travel. Revenue attributable to Louisiana from transportation other than air includes all such revenue derived entirely from sources within Louisiana plus a portion of revenue from transportation performed partly within and partly without Louisiana, based upon the ratio of the number of units of transportation service performed in Louisiana to the total of such units. Revenue from transportation exclusively without Louisiana shall not be included in the revenue attributed to Louisiana. Revenue attributable to Louisiana shall be computed separately for each of the four classes enumerated below.

i. A unit of transportation shall consist of the following:

(a). in the case of the transportation of passengers, the transportation of one passenger a distance of 1 mile;

(b). in the case of the transportation of liquid commodities, including petroleum or related products, the transportation of one barrel of the commodities a distance of 1 mile;

(c). in the case of the transportation of property other than liquids, the transportation of 1 ton of the property a distance of 1 mile;

(d). in the case of the transportation of natural gas, the transportation of 1 MCF or 1 MBTU a distance of 1 mile.

ii. In any case where another method would more clearly reflect the gross apportionable income attributable to

Louisiana, or where the above information is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the use of any method deemed reasonable by him.

iii. Example: ABC Corporation is in the business of transporting natural gas as a common carrier. During the year 2005, ABC entered into five transactions. In the first transaction 1 million MMCF was transported from Texas, through Louisiana, to Mississippi. The total distance transported was 500 miles, of which 200 miles was in Louisiana. The charge for the transportation was \$250,000.00. In the second transaction 1 million MMCF was transported from one point in Louisiana to another point in Louisiana, a distance of 150 miles, for a charge of \$150,000.00. In the third transaction 1 million MMCF was transported from one point in Texas to another point in Texas, a distance of 500 miles, for a charge of \$250,000.00. In the fourth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of \$500,000.00. The total distance transported was 1,000 miles, of which 100 miles were in Louisiana. In the fifth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of \$250,000.00. The distance transported was 500 miles, of which 100 was in Louisiana. The portion of the gross apportionable income attributed to Louisiana would be computed as follows:

	Louisiana Amount
First Transaction— $200/500 \times \$250,000 =$	\$100,000
Second Transaction—entirely from Louisiana =	150,000
Third Transaction—neither entirely nor partially in Louisiana	-0-
Fourth Transaction— $100/1,000 \times \$500,000 =$	50,000
Fifth Transaction— $100/500 \times \$250,000 =$	50,000
Louisiana Income from Transportation of Natural Gas	<u>\$350,000</u>

d. Revenue from Services Other Than from Transportation

i. For purposes of R.S. 47:606(A), in addition to any other revenue attributed to Louisiana, the following revenue from providing telephone, telecommunications, and similar services shall be attributed to Louisiana:

(a). revenue derived from charges for providing telephone "access" from a location in this state. Access means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

(b). revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

(c). revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

(d). revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

(e). revenue from mobile telecommunications service:

(i). revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(ii). if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(iii). revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana.

(f). Definitions. For the purpose of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise.

(i). *Call*—a specific telecommunications transmission.

(ii). *Customer*—any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

(iii). *Home Service Provider*—the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(iv). *Place of Primary Use of Mobile Telecommunications Service*—the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI).

(v). *Service Address*—the address where the telephone equipment is located and to which the telephone number is assigned.

(vi). *Telecommunications*—the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be devised, by telecommunications does not include the information content of any such transmission.

(vii). *Telecommunication Service*—providing telecommunications including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service.

ii. Revenue derived from services, other than from transportation, or telephone, telecommunications, and similar services, shall be attributed to the state in which the services are rendered. Services are rendered where they are received by the customer.

iii. In any case in which it can be shown that charges for services constitute a pure recovery of the cost of

performing the services and do not include a reasonable rate of profit, amounts received in reimbursement of such costs shall not be construed to be revenues received and shall be omitted from both the numerator and denominator of the attribution ratio.

e. Rents and Royalties from Immovable or Corporeal Movable Property

i. Rents and royalties from immovable or corporeal movable property shall be attributed to the state where the property is located at the time the revenue is derived, which is construed to be the place at which the property is used resulting in the rental payment. Rents, royalties, and other income from mineral leases, royalty interests, oil payments, and other mineral interests shall be allocated to the state or states in which the property subject to such interest is located.

ii. In the case of movable property which is used in more than one state or when the lessor has no knowledge of where the property is located at all times, application of the general rule for attributing the revenue from rental of the property may be sufficiently difficult so as to require use of a formula or formulas to determine the place of use for which the rents were paid. The specific formula to be used must be determined by reference to the basis on which rents are charged, the basis of which is usually set forth in the rental agreement. In those cases in which time of possession in the hands of the lessee is the only consideration in calculating rental charges, time used by the lessee in each state will be used as the basis for attributing the revenue to each state. Where miles traveled is the basis for the rental charge, revenue shall be attributed on that basis; where ton miles or traffic density in combination with miles traveled is the basis for the rental charges, revenue will be attributed to each state on that basis. In the case of drilling equipment where rentals are based on the number of feet drilled, income will be attributed to each state based on the ratio of the number of feet drilled within that state to the total number of feet drilled in all states by the rented equipment during the taxable period covered by the rental agreement.

f. Interest on Customers' Notes and Accounts

i. Interest on customers' notes and accounts can generally be associated directly with the specific credit instrument or account upon which the interest is paid and shall be attributed to the state at which the goods were received by the purchaser or services rendered. Interest is construed to include all charges made for the extension of credit, such as finance charges and carrying charges.

ii. When the records of the taxpayer are not sufficiently detailed so as to enable direct attribution of the revenue, interest, as defined herein, shall be attributed to each state on the basis of a formula or formulas which give due consideration to credit sales in the various states, outstanding customer accounts and notes receivable, and variances in the rates of interest charged or permitted to be charged in each of the states where the taxpayer makes credit sales.

g. Other Interest and Dividends

i. Interest, other than on customers' notes and accounts, and dividends shall be attributed to the state in which the securities producing such revenue have their situs, which shall be at the business situs of such securities if they have been so used in connection with the taxpayer's business

as to acquire a business situs, or, in the absence of such a business situs, shall be at the commercial domicile of the taxpayer.

ii. Used in connection with the taxpayer's business is construed to mean use of a continuing nature in the regular course of business and does not include the mere holding of the instrument at a location or the use of the property as security for credit. Business situs must be established on the basis of facts, indicating precisely the use to which the securities have been put and the manner in which the taxpayer conducts its business.

iii. Commercial Domicile is in that state where management decisions are implemented which is presumed to be the state where the taxpayer conducts its principal business and thereby benefits from public facilities and protection provided by that state. The location of board of directors' meetings is not presumed to create commercial domicile at the location.

iv. Interest and dividends from a parent or subsidiary corporation shall be attributed as provided in R.S. 47:606(B) and the regulations issued thereunder.

h. Royalties or Similar Revenue from the Use of Patents, Trademarks, Secret Processes, and Other Similar Intangible Rights

i. Royalties or similar revenue received for the use of patents, trademarks, secret processes, and other similar intangible rights shall be attributed to the state or states in which such rights are used by the licensee from whom the income is received.

ii. In those cases where the rights are used by the licensee in more than one state, royalties and similar revenue will be attributed to the states on the basis of a ratio which gives due consideration to the proportion of use of the right by the licensee within each of the states. When the royalty is based on a measurable unit of production, sales, or other measurable unit, the attribution ratio shall be based on such units within each state to the total of such units for which the royalties were received. When the royalty or similar revenue is not based on measurable units, the attribution ratio will be based on the relative amounts of income produced by the licensee in each state or on such other ratio as will clearly reflect the proportion of use of the rights by the licensee in each state.

i. Revenue from a Parent or Subsidiary Corporation. Revenue from a parent or subsidiary corporation shall be allocated as provided in R.S. 47:606(B) and the regulations issued thereunder.

j. All Other Revenues

i. All revenues which are not specifically described in §306.A.1.a-i shall be attributed within and without Louisiana on the basis of such ratio or ratios as may be reasonably applicable to the type of revenue and business involved.

ii. In the case of revenue from construction, repairs, and similar services, generally, all of the work will be performed at a specific geographical location and the total revenue, including all billings by the taxpayer without regard to the method of reporting gain for purpose of the income tax statutes, shall be attributed to the place where the work is performed. In the case of contracts wherein a material part or parts of the work may have been performed in another state, such as the design, engineering, manufacture, fabrication, or

preassembly of component parts, total revenue from the specific elements will be attributed to the place at which that segment of the work was performed on the basis of segregated charges contained in the performance contract. In the absence of segregated charges in the contract, revenues shall be allocated on the basis of a formula or formulas which give due consideration to such factors as direct cost, time devoted to the separate elements, and relative profitability of the specific function. Such ratios may be based on estimates of costs compiled during calculation of bid amounts for purposes of securing the contract in the absence of sufficient contract segregation of the charges between functions or sufficient records necessary to determine direct cost.

iii.(a). Revenues from partnerships shall be attributed within and without Louisiana based on the proportion of the partnership's capital employed in Louisiana. The proportion of the partnership's capital employed in Louisiana is the allocation ratio, also known as the franchise tax apportionment ratio, that would be computed for the partnership if the partnership were a corporation subject to franchise tax.

(b). Revenues from a partnership are the partner's distributive share of partnership net income when the partner's distributive share of partnership net income is a positive amount. Losses from a partnership are not revenues from a partnership.

(c). Revenue from a partnership should be revenue from the partnership as reflected on the taxpayer's books. However, if there is no difference in the proportions of incomes, expenses, gains, losses, credits and other items accruing to the taxpayer from the partnership for book purposes and tax purposes the taxpayer may use tax basis revenue from a partnership. Once a taxpayer uses either book basis revenue or tax basis revenue, that basis must be used for all future tax periods.

iv. The term partnership includes a syndicate, group, pool, joint venture, limited liability company, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on.

2. Property and Assets. For the purpose of calculating the ratio of the value of property situated or used by a corporation in Louisiana to the value of all property wherever situated, both tangible and intangible property must be considered. The minimum value to be included in both the numerator and denominator is the value recorded on the books of the taxpayer. Both the cost recorded on the books of the corporation and the reserves applicable thereto are subject to examination and revision by the secretary when such revision is found to be necessary in order to reflect properly the extent to which capital of the corporation is employed in the exercise of its charter; in no event, however, shall the revision by the secretary to any asset value or applicable reserve result in a net valuation which exceeds actual cost of the asset to the taxpayer. Assets will be allocated as follows.

a. Cash on hand shall be allocated to the state in which the cash is physically located.

b. Cash in banks and temporary cash investments shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such

assets, cash in banks and temporary cash investments shall be allocated to the state in which the commercial domicile of the taxpayer is located.

c. Trade accounts and trade notes receivable are construed to mean only those accounts and notes receivable resulting from the sale of merchandise or the performance of services for customers in the regular course of business of the taxpayer. Such accounts and notes shall be allocated to the location at which the merchandise was delivered or at which the services were performed resulting in the receivable. In the absence of sufficient recorded detail upon which to base the allocation of specific accounts and notes receivable to the various states, such accounts and notes may, by agreement between the secretary and the corporation, be allocated to the separate states based upon the ratio of credit sales within any particular state to the total of all credit sales.

d. Investments in and advances to a parent or subsidiary corporation shall be allocated as provided in R.S. 47:606(B) and the regulations issued thereunder.

e. Notes and accounts receivable other than temporary cash investments, trade notes and accounts, and advances to a parent or subsidiary, shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such assets, notes and accounts receivable other than temporary cash investments, trade notes and accounts, and advances to a parent or subsidiary shall be allocated to the state in which the commercial domicile of the taxpayer is located. See §306.A.1.g relative to business situs and commercial domicile.

f. Stocks and bonds other than temporary cash investments and investments in or advances to a parent or subsidiary corporation shall be allocated to the state in which they have their business situs if they have been so used as to have acquired a business situs. In the absence of a business situs for such assets, stocks and bonds other than temporary cash investments and advances to a parent or subsidiary corporation shall be allocated to the state in which the commercial domicile of the corporation is located.

g. Immovable property and corporeal movable property which is used entirely within a particular state shall be allocated to the state in which the property is located. Movable property which is not limited in use to any particular state shall be allocated among the states in which used on the basis of a ratio which gives due consideration to the extent of use in each of the states. For the purpose of determining the amount to be included in the numerator of the property ratio with respect to corporeal movable property used both within and without Louisiana, the following rules shall apply.

i. The value of diesel locomotives shall be allocated to Louisiana on the basis of the ratio of diesel locomotive miles traveled in Louisiana to total diesel locomotive miles.

ii. The value of other locomotives shall be allocated to Louisiana on the basis of the ratio of other locomotive miles traveled in Louisiana to total other locomotive miles.

iii. The value of freight train cars shall be allocated to Louisiana on the basis of the ratio of freight car miles traveled in Louisiana to total freight car miles.

iv. The value of railroad passenger cars shall be allocated to Louisiana on the basis of the ratio of passenger car miles traveled in Louisiana to total passenger car miles.

v. The value of passenger buses shall be allocated to Louisiana on the basis of the ratio of passenger bus miles traveled in Louisiana to total passenger bus miles.

vi. The value of diesel trucks shall be allocated to Louisiana on the basis of the ratio of diesel truck miles traveled in Louisiana to total diesel truck miles.

vii. The value of other trucks shall be allocated to Louisiana on the basis of the ratio of other truck miles traveled in Louisiana to total other truck miles.

viii. The value of trailers shall be allocated to Louisiana on the basis of the ratio of trailer miles traveled in Louisiana to total trailer miles.

ix. The value of towboats shall be allocated to Louisiana on the basis of the ratio of towboat miles traveled in Louisiana to total towboat miles. In the determination of Louisiana towboat miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

x. The value of tugs shall be allocated to Louisiana on the basis of the ratio of tug miles traveled in Louisiana to total tug miles. In the determination of Louisiana tug miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xi. The value of barges shall be allocated to Louisiana on the basis of the ratio of barge miles traveled in Louisiana to total barge miles. In the determination of Louisiana barge miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xii. The value of work and miscellaneous equipment shall be allocated to Louisiana in the following manner:

(a) in the case of a railroad, on the basis of the ratio of track miles in Louisiana to total track miles;

(b) in the case of truck and bus transportation, on the basis of the ratio of route miles operated in Louisiana to total route miles; and

(c) in the case of inland waterway transportation, on the basis of the ratio of bank miles in Louisiana to total bank miles. In the determination of bank mileage of navigable rivers or streams bordering on both Louisiana and another state, one-half of such mileage shall be considered Louisiana miles.

xiii. The value of other floating equipment shall be allocated to Louisiana on the basis of the ratio of operating equipment miles within Louisiana to total operating equipment miles for the particular equipment to be allocated. In the determination of Louisiana operating equipment miles, one-half of the mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

xiv. The value of flight equipment shall be allocated to Louisiana on the basis of the ratio of ton miles

flown within Louisiana to total ton miles. For the purpose of determining Louisiana ton miles, a passenger and his luggage shall be assigned a weight factor of 1/10 of 1 ton.

xv. The value of inventories of merchandise in transit shall be allocated to the state in which their delivery destination is located in the absence of conclusive evidence to the contrary.

xvi. All other corporeal movable property shall be allocated to Louisiana on the basis of such ratio or ratios as will reasonably reflect the extent of their use within this state. In any case where the information necessary to determine the prescribed ratio is not readily available from the taxpayer's records, the secretary may require the allocation of the value of the property on the basis of any method deemed reasonable by the secretary.

h. All other assets shall be allocated within or without Louisiana on such basis as may be reasonably applicable to the particular asset and the type of business involved. Investments in or advances to a partnership shall be attributed within and without Louisiana based on the proportion of the partnership's capital employed in Louisiana. The proportion of the partnership's capital employed in Louisiana is the allocation ratio, also known as the franchise tax apportionment ratio, that would be computed for the partnership if the partnership were a corporation subject to franchise tax.

#### B. Allocation of Intercompany Items

1. Without regard to the legal or commercial domicile of a corporation subject to the corporation franchise tax, and without regard to the business situs of investments in or advances to a subsidiary or parent corporation by a corporation subject to the corporation franchise tax, all such investments in, advances to, and revenue from such parent or subsidiary shall be allocated to Louisiana on the basis of the percentage of capital employed in Louisiana by the parent or subsidiary corporation for franchise tax purposes. The corporation franchise tax ratio of the parent or subsidiary shall be the measure of the extent to which the investment in, advances to, and revenues from the parent or subsidiary are attributable to Louisiana for purposes of determining the revenue and property ratios to be used in allocating the total taxable base of any corporation subject to the corporation franchise tax.

2. A subsidiary corporation is any corporation the majority of the capital stock of which is actually, wholly, or substantially owned by another corporation and whose management, business policies, and operations are, howsoever, actually, wholly, or substantially controlled by another corporation. Such latter corporation shall be termed the parent corporation.

3. In general, the ownership, either directly or indirectly, of more than 50 percent of the voting stock of any corporation constitutes control of that corporation's management, business policies, and operations, whether such control is documented by formal directives from the owner of such stock or not.

4. Other criteria which will be construed to constitute control of the management, business policies, and operations of a corporation are:

a. the filing of a consolidated income tax return in which operations of the corporation are included with operations of the corporation owning more than 50 percent of its stock for purposes of determining its federal income tax liability, foreign tax credits, investment credits, other credits against its tax, and the alternative minimum tax; or

b. the requirement or policy that the purchase of a majority of the merchandise, equipment, supplies, or services required for operations be made from the corporation owning more than 50 percent of its stock, its designee, or from another corporation in which the owning corporation owns more than 50 percent of the stock; or

c. the requirement or policy that a majority of sales of merchandise, products, or service be made to the corporation owning more than 50 percent of its stock, its designee, or to another corporation in which the owning corporation owns more than 50 percent of the stock; or

d. the participation in a retirement, profit-sharing, or stock option plan administered by or participating in the profits or purchase of stock of the corporation owning more than 50 percent of its stock; or

e. the filing of reports with the Securities and Exchange Commission or other regulatory bodies in which its operations, assets, liabilities, and other financial information are reflected as a part of similar information of the corporation owning more than 50 percent of its stock; or

f. the presence on its board of directors of a majority of members who are directors, officers, or employees of the corporation owning more than 50 percent of its stock.

5. In the case of a corporation that owns more than 50 percent of a corporation, the burden of proving that control of the management, business policies, and operations of the latter does not exist shall rest with the taxpayer.

6. Accounts receivable which may be considered to be advances resulting from normal trading between the companies in the regular course of business and the sales of merchandise, products, or services in such transactions shall not be included in advances to or revenue from a parent or subsidiary under this provision, but shall be allocated and attributed as provided in R.S. 47:606(A) and the regulations issued thereunder.

C. Minimum Allocation; Assessed Value of Real and Personal Property. The minimum amount of taxable capital upon which the corporation franchise tax is calculated shall be the total assessed value of all real and personal property of a corporation in this state. Total assessed value is construed to be the value, after any and all exemptions, upon which the ad valorem tax is based. The assessed value to be used as the basis for the minimum tax calculation is the value upon which the ad valorem tax was calculated for the calendar year preceding the year in which the corporation franchise tax is due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:606.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:453 (March 2004), amended LR 31:696 (March 2005), LR 32:

### Family Impact Statement

The proposed amendment of LAC 61:I.306, regarding the allocation of taxable capital should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., January 25, 2006. A public hearing will be held on January 26, 2006, at 9 a.m. in the Calcasieu Room located on the second floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Corporation Franchise Tax Allocation of Taxable Capital

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation of this proposed regulation, which updates the corporation income tax regulation relating to the allocation of items of income and expense, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Proposed regulatory changes related to updating corporate income tax regulations will have no effect on revenue collections of state or local governmental units.

The proposed regulations also implement portions of Act 401 of the 2005 Regular Legislative Session (HB 679). Act 401, in its entirety, is estimated to reduce State General Fund revenues by \$4.8 million in FY 2006-07, \$4.4 million in FY 2007-08, \$3.9 million in FY 2008-09, and \$3.5 million in FY 2009-10. The portions of these total fiscal effects associated with these specific proposed regulations implementing that Act is indeterminable.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Statutory changes related to Act 401 of the 2005 Regular Legislative Session will decrease the tax payments of affected businesses by an estimated \$4.8 million in FY 2006-07. Tax reductions for affected businesses associated with these specific proposed regulations implementing that Act are indeterminable.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges  
Secretary  
0512#042

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Revenue Policy Services Division

#### Determination of Louisiana Apportionment Percent (LAC 61:I.1134)

Under the authority of R.S. 47:287.95, R.S. 47:287.785, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1134 relative to the determination of the Louisiana apportionment percent.

The primary purpose of this regulation is to update the corporation income tax regulation relating to the changes in the determination of the apportionment percent resulting from the enactment of the Louisiana Headquarters and Growth Act of 2005. The regulation also provides an example to clarify the attribution of revenue from sales transported by public carrier pipelines.

#### Title 61

#### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 11. Income: Corporation Income Tax §1134. Determination of Louisiana Apportionment Percent

A. General. R.S. 47:287.95 provides for an apportionment percent that is to be applied to the taxpayer's total net apportionable income in determining the Louisiana net apportionable income. Specific formulas are prescribed for air, pipeline, other transportation businesses, and certain service enterprises. A general formula is prescribed for manufacturing, merchandising and any other business for which a formula is not specifically prescribed. The statute contemplates that only one specific formula be used in determining the apportionment percent, that being the formula prescribed for the taxpayer's primary business. As a general rule, where a taxpayer is engaged in more than one business, the taxpayer's primary business shall be that which is the primary source of the taxpayer's net apportionable income. When the numerator and denominator are zero in any one or more ratios in the apportionment formula, such ratio shall be dropped from the apportionment formula and the arithmetical average determined from the total remaining ratios.

#### B. Property Ratio

1. The value of immovable and corporeal movable property owned by the taxpayer and used in the production of net apportionable income is included in each formula except those provided for certain service businesses and those using the single sales ratio under the general formula. Where only a part of the property is used in the production

of apportionable income, only the value of that portion so used shall be included in the property ratio. However, where the entire property is used in the production of both allocable and apportionable income the value of the entire property shall be included in the property ratio. Idle property and property under construction, during such construction and prior to being placed in service, shall not be included in the property ratio. Property held as reserve or standby facilities, or property held as a reserve source of materials shall be considered used. For example, a taxpayer who purchases a lignite deposit that is held as a reserve source of fuel should include the value of such deposits in the property ratio. Non-productive mineral leases are considered to be held for such use and should be included in the property ratio. The value of inventories of merchandise in transit shall be allocated to the state in which their delivery destination is located in the absence of conclusive evidence to the contrary. R.S. 47:287.95(A)(1) provides that aircraft owned by a taxpayer whose net apportionable income is derived primarily from air transportation should not be included in the property ratio.

2. Proration of Rolling Stock and Other Mobile Equipment. The average value of rolling stock and other mobile equipment owned by the taxpayer shall be prorated within and without Louisiana as set forth below.

a. The value of diesel locomotives shall be allocated to Louisiana on the basis of the ratio of diesel locomotive miles in Louisiana to total diesel locomotive miles.

b. The value of other locomotives shall be allocated to Louisiana on the basis of the ratio of other locomotive miles in Louisiana to total other locomotive miles.

c. The value of freight train cars shall be allocated to Louisiana on the basis of the ratio of freight car miles in Louisiana to total freight car miles.

d. The value of passenger cars shall be allocated to Louisiana on the basis of the ratio of passenger car miles in Louisiana to total passenger car miles.

e. The value of passenger buses shall be allocated to Louisiana on the basis of the ratio of bus miles in Louisiana to total bus miles.

f. The value of diesel trucks shall be allocated to Louisiana on the basis of the ratio of diesel truck miles in Louisiana to total diesel truck miles.

g. The value of other trucks shall be allocated to Louisiana on the basis of the ratio of other truck miles in Louisiana to total other truck miles.

h. The value of trailers shall be allocated to Louisiana on the basis of the ratio of trailer miles in Louisiana to total trailer miles.

i. The value of towboats shall be allocated to Louisiana on the basis of the ratio of towboat miles in Louisiana to total towboat miles. In the determination of Louisiana towboat miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

j. The value of tugs shall be allocated to Louisiana on the basis of the ratio of tug miles in Louisiana to total tug miles. In the determination of Louisiana tug miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

k. The value of barges shall be allocated to Louisiana on the basis of the ratio of barge miles in Louisiana to total barge miles. In the determination of Louisiana barge miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana miles.

l. The value of work and miscellaneous equipment shall be allocated to Louisiana on the basis of the ratio of track miles in Louisiana to total track miles in the case of a railroad, on the basis of the ratio of bank miles operated in Louisiana to total bank miles operated in the case of inland waterway transportation and on the basis of the ratio of route miles operated in Louisiana to total route miles operated in the case of truck and bus transportation. In the determination of bank miles, one half of the bank mileage of navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana bank miles.

m. The value of other floating equipment shall be allocated to Louisiana on the basis of the ratio of operating equipment miles within Louisiana to the total operating equipment miles, for the particular equipment to be allocated. In the determination of Louisiana operating equipment miles, one half of the mileage of all navigable rivers or streams bordering on both Louisiana and another state shall be considered Louisiana operating equipment miles.

3. Insufficient Records. In any case where the information necessary to determine the ratios listed above is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the allocation of such equipment by any method deemed reasonable by him.

C. Wage Ratio. Salaries, wages and other compensation for personal services as used in R.S. 47:287.95 includes only compensation paid to employees or to a deferred plan for the benefit of employees of the taxpayer for services rendered in connection with the production of net apportionable income.

D. Revenue Ratio. This ratio is generally composed of sales, charges for service, and other gross apportionable income. Neither allocable income nor income excluded from gross income, such as interest and dividends, is included in the ratio. For all formulas except that provided by R.S. 47:287.95(F), the revenue ratio consists of the ratio of the gross apportionable income of the taxpayer from Louisiana sources to the total gross apportionable income of the taxpayer. For the formula provided by R.S. 47:287.95(F), the revenue ratio consists of the ratio of net sales made in the regular course of business and other gross apportionable income attributable to this state to the total net sales made in the regular course of business and other gross apportionable income of the taxpayer. Sales not made in the regular course of business are not included in the formula provided by R.S. 47:287.95(F).

1. Revenue from Transportation other than Air Travel. Gross apportionable income attributable to Louisiana from transportation other than air includes all such revenue derived entirely from sources within Louisiana plus a portion of revenue from transportation performed partly within and partly without Louisiana, based upon the ratio of the number of units of transportation service performed in Louisiana to the total of such units. Revenue from transportation exclusively without Louisiana shall not be

included in gross apportionable income attributed to Louisiana. Gross apportionable income attributable to Louisiana shall be computed separately for each of the four classes enumerated below:

a. A unit of transportation shall consist of the following:

i. in the case of the transportation of passengers, the transportation of one passenger a distance of 1 mile;

ii. in the case of the transportation of liquid commodities, including petroleum or related products, the transportation of one barrel of the commodities a distance of 1 mile;

iii. in the case of the transportation of property other than liquids, the transportation of 1 ton of the property a distance of 1 mile;

iv. in the case of the transportation of natural gas, the transportation of one MCF or one MBTU a distance of 1 mile.

b. In any case where another method would more clearly reflect the gross apportionable income attributable to Louisiana, or where the above information is not readily available from the taxpayer's records, the secretary, in his discretion, may permit or require the use of any method deemed reasonable by him.

c. Example: ABC Corporation is in the business of transporting natural gas as a common carrier. During the year 2005, ABC entered into five transactions. In the first transaction 1 million MMCF was transported from Texas, through Louisiana, to Mississippi. The total distance transported was 500 miles, of which 200 miles was in Louisiana. The charge for the transportation was \$250,000. In the second transaction 1 million MMCF was transported from one point in Louisiana to another point in Louisiana, a distance of 150 miles, for a charge of \$150,000. In the third transaction 1 million MMCF was transported from one point in Texas to another point in Texas, a distance of 500 miles, for a charge of \$250,000. In the fourth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of \$500,000. The total distance transported was 1,000 miles, of which 100 miles were in Louisiana. In the fifth transaction 1 million MMCF was transported from a point in Louisiana to a point in another state for a charge of \$250,000. The distance transported was 500 miles, of which 100 was in Louisiana. The portion of the gross apportionable income attributed to Louisiana would be computed as follows:

	Louisiana Amount
First Transaction— $200/500 \times \$250,000 =$	\$100,000
Second Transaction—entirely from Louisiana =	150,000
Third Transaction—neither entirely nor partially in Louisiana	-0-
Fourth Transaction— $100/1,000 \times \$500,000 =$	50,000
Fifth Transaction— $100/500 \times \$250,000 =$	50,000
Louisiana Income From Transportation of Natural Gas	\$350,000

## 2. Revenue from Telephone, Telecommunications, and Other Similar Services

a. Gross apportionable income attributable to Louisiana from providing telephone, telecommunications, and similar services shall include, but is not limited to:

i. revenue derived from charges for providing telephone "access" from a location in this state. "Access" means that a call can be made or received from a point

within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

ii. revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

iii. revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

iv. revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

v. revenue from mobile telecommunications service:

(a) revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(b) if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(c) revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana.

b. Definitions. For the purposes of this paragraph, the following terms have the following meanings unless the context clearly indicates otherwise.

i. *Call*—a specific telecommunications transmission.

ii. *Customer*—any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service.

iii. *Home Service Provider*—the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

iv. *Place of Primary Use of Mobile Telecommunications Service*—the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI).

v. *Service Address*—the address where the telephone equipment is located and to which the telephone number is assigned.

vi. *Telecommunications*—the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be

devised, but telecommunications does not include the information content of any such transmission.

vii. *Telecommunications Service*—providing telecommunications, including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service.

### 3. Attribution of Sales Made in the Regular Course of Business

a. Sales made in the regular course of business attributable to Louisiana under R.S. 47:287.95 are those sales where the goods, merchandise or property are received in Louisiana by the purchaser. Similarly, where the goods, merchandise or property are received in some other state, the sale is attributable to that state. Sales made in the regular course of business include all sales of goods, merchandise or product of the business or businesses of the taxpayer. They do not include the sale of property acquired for use in the production of income. Where a taxpayer under a contract performs essentially a management or supervision function and receives a reimbursement of his costs plus a stipulated amount, the amounts received as reimbursed costs are not sales although the contract so designates them. The stipulated amount constitutes other gross apportionable income and shall be attributed to the state where the contract was performed. Where goods are delivered into Louisiana by a public carrier, or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. The transportation in question is the initial transportation relating to the sale by the taxpayer, and not the transportation relating to a sale or subsequent use by the purchaser.

b. Where the goods are delivered by the seller in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point, and whether the carrier be a pipeline, trucking line, railroad, airline or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation by the carrier has ended is deemed to be the place where the goods are received by the purchaser.

c. Where the transportation involved is transportation by the purchaser, in determining whether or not the transportation relates to the sale by the taxpayer, consideration must be given to the following principles.

i. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent circumstances.

ii. The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

iii. In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the taxpayer or by the carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B., Houston, to a purchaser in Baton Rouge, by common carrier, and a case where all facts are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

d. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. However, because of the nature and character of the property, the type of carrier, and customs of the trade, the natural resources in the pipeline may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In solving such problems consideration must be given to the following principles.

i. Where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by pipeline carrier, the sale will be attributed to the state where the crude oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality rather than any specific oil.

ii. In situations involving several deliveries in several different states to one or more purchasers, the general rules should be applied with logic and common sense.

e. In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the transportation after storage relates to the sale by the taxpayer. Generally, the rules and principles set forth above will control where the storage is of temporary nature, such as that necessitated by lack of transportation, by change from one means of transportation to another, or by natural conditions. In cases where the storage is permanent or semi-permanent, delivery to the place of storage concludes the initial transportation, and the sale is attributed to the place of storage.

### 4. Attribution of Gains from Sales Not Made in the Regular Course of Business

a. The net profit from sales not made in the regular course of business shall be included in the ratios provided by R.S. 47:287.95(C) and (D).

b. The net profit from the sale of a mineral lease, royalty interest, oil payment, or other mineral interest shall be attributed to the state or states in which the property subject to such mineral interest is located.

c. The net profit from the sale of other intangibles shall be attributed to the state or states in which the intangible has acquired a business situs if the intangible has been so used in connection with a business as to acquire a

business situs, or, in the absence of such a business situs, shall be at the commercial domicile of the taxpayer.

d. The net profit from the sale of the tangibles shall be attributed to the state or states in which the tangible is located at the time of sale.

5. Exchanges. In transactions in which raw materials, products, or merchandise are transferred to another party at one location in exchange for raw materials, products, or merchandise at another location in agreements requiring the subsequent replacement with similar property on a routine, continuing, or repeated basis, all such transactions shall be carefully analyzed in order to determine whether they constitute sales that should be included in the sales ratio or whether they constitute exchanges which are not sales and should be excluded from the sales ratio.

6. Recoveries and Reductions of Expense. Transactions that are actually recoveries of expenses or transactions that are part of a sequence of transactions for the purpose of managing risk, preventing loss, securing product, securing market or protecting profit shall not be considered gross apportionable income for purposes of determining the Louisiana apportionment percent. Examples of such transactions include, but are not limited to:

a. Corporation A rents retail space in a shopping mall. The glass in the front door of the shop has broken and Corporation A is unable to immediately contact the building owner. Corporation A has the glass replaced and is later reimbursed by the building owner. The reimbursement is not gross apportionable income for purposes of determining the Louisiana apportionment percent.

b. Corporation B buys and sells wheat. As part of securing a supply of wheat at the best possible price Corporation B will, when it believes prices will be rising in the future, purchase options to buy a fixed quantity of wheat at a fixed price on a fixed date in the future. At times market conditions will change subsequent to the purchase of an option and, believing that prices will fall and the wheat can be bought even cheaper than the option price in the future, the option will be sold. The amount received from the sale of the option is not gross apportionable income for purposes of determining the Louisiana apportionment percent. The amount received relates to the ultimate cost of goods sold.

c. Corporation C grows and sells wheat. It knows that at harvest it will have at least a certain amount of wheat that must be sold. To ensure a market for its wheat at harvest Corporation B buys options to sell fixed quantities of wheat at fixed prices at harvest time. At times market conditions will change subsequent to the purchase of an option and, believing that there will be sufficient buyers willing to pay a sufficient price at harvest time, the option will be sold. The amount received from the sale of the option is not gross apportionable income for purposes of determining the Louisiana apportionment percent. The amount received relates to marketing expenses.

d. Corporation D grows, buys and sells wheat. To manage market risk in its business Corporation D engages in complex, sophisticated transactions involving options, futures contracts and various derivative contracts. Any Amounts received in the course of these risk management transactions are not gross apportionable income for the

purposes of determining the Louisiana apportionment percent. The amounts received relate to insurance expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.95, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:105 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:482 (March 2004), amended LR 31:694 (March 2005), amended LR 32:

#### **Family Impact Statement**

The proposed amendment of LAC 61:I.1134, regarding the determination of the Louisiana apportionment percent should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., January 25, 2006. A public hearing will be held on January 26, 2006 at 9 a.m. in the Calcasieu Room located on the second floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Determination of Louisiana Apportionment Percent**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The implementation of this proposed regulation, which updates the corporation income tax regulation relating to the changes in the determination of the apportionment percent, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed regulation implements portions of Act 401 of the 2005 Regular Legislative Session (HB 679). Act 401, in its entirety, is estimated to reduce State General Fund revenues by \$4.8 million in FY 2006-07, \$4.4 million in FY 2007-08, \$3.9 million in FY 2008-09, and \$3.5 million in FY 2009-10. The portions of these total fiscal effects associated with these specific proposed regulations implementing that Act is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Statutory changes related to Act 401 of the 2005 Regular Legislative Session will decrease the tax payments of affected businesses by an estimated \$4.8 million in FY 2006-07. Tax reductions for affected businesses associated with these specific proposed regulations implementing that Act are indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges  
Secretary  
0512#040

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Policy Services Division**

Health Insurance Credit for Contractors of Public Works  
(LAC 61:I.1195)

Under the authority of R.S. 47:287.759, R.S. 47:287.785, R.S. 47:1511, R.S. 47:1601, and R.S. 47:1603, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1195 relative to the administration of the health insurance credit for contractors of public works.

The purpose of this regulation is to explain the procedure employed for the administration of the health insurance credit allowed for public works contractors by R.S. 47:287.759 as enacted by Act 504 of the 2005 Regular Session of the Legislature.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the  
Secretary of Revenue**

**Chapter 11. Income: Corporation Income Tax  
§1195. Health Insurance Credit for Contractors of  
Public Works**

A. Louisiana Revised Statutes 47:287.759 allows for a tax credit against corporation income tax to contractors and subcontractors constructing a public work who offer health insurance to their employees and their dependents.

1. The amount of the credit is 2 percent of the total amount of the contract for the public work less any amounts paid to a subcontractor for a portion of the work performed by the subcontractor.

2. The total tax credit for all taxpayers is limited to \$3 million per calendar year.

3. At least 85 percent of the full-time employees must be offered health insurance. Contractors and subcontractors must pay 75 percent of the total premium for the health insurance of employees who choose to participate and at least 50 percent for each participating dependent of such employees.

4. Employees do not include independent contractors.

B. Definitions

*Dependents*—spouse and those persons who would qualify as dependents on the employee's federal income tax return.

*Earnings*—gross wages of the employee not including fringe benefits.

*Health Insurance*—coverage for basic hospital care, and coverage for physician care, as well as coverage for health care, which shall be the same coverage as is provided to employees employed in a bona fide executive, administrative, or professional capacity by the employer who are exempt from the minimum wage and maximum hour requirements of the Federal Fair Labor Standards Act, 29 U.S.C.A. §201, et seq.

*Public Work*—a building, physical improvement, or other fixed construction owned by the state or a political subdivision of the state.

C. Procedure for Allocation of the Health Insurance Credit

1. The department will determine if the \$3 million cap on the health insurance credit has been exceeded after all possible extensions to file have passed for all taxpayers.

2. If the \$3 million cap on the health insurance credit is not exceeded and all applicable extensions to file returns have expired, contractors and subcontractors who earn the health insurance credit will be allowed the full amount of the credit properly claimed on their tax return with appropriate interest.

3. However, if more than \$3 million is claimed statewide, the department will allocate the credit on a pro rata basis in proportion to the amount of health insurance credit properly claimed on each employer's timely filed tax return. The allocation will be made after the filing deadline inclusive of all applicable extension periods.

a. Contractors and subcontractors claiming the health insurance credit and an overall refund of overpayment for the taxable year should file their return with the department.

i. The department will reduce the taxpayer's total refund of overpayment by the amount of the health insurance credit claimed on the tax return.

ii. An initial refund of overpayment, the amount of which is exclusive of the health insurance credit amount, will be sent to the taxpayer with a letter stating that the taxpayer's claimed health insurance credit will be held in abeyance until after the extended filing deadline and subsequently will be refunded with appropriate interest.

iii. The health insurance credit will be processed and refunded proportionately after the last extension for filing deadline.

iv. If the health insurance credit is reduced as provided by §1195.C.3 and the taxpayer owes additional money to the department, an assessment will be sent exclusive of penalties and interest if paid within 60 days.

(a) If the additional amount owed is paid within the 60-day period, the interest will be abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

(b) If the amount owed is not paid within the 60-day period, interest and penalties will be computed from the original due date of the return regardless of any extensions.

b. Contractors and subcontractors who claim the health insurance credit and still owe additional taxes for the taxable year, should file their return with the department and remit payment with the return.

i. If the taxpayer's health insurance credit is reduced as provided by §1195.C.3, the taxpayer will receive an assessment for the difference without being subject to penalties and interest if paid within 60 days.

ii. If the additional amount owed is paid within the 60-day period, the interest will be abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

iii. If the amount owed is not paid within the 60-day period, interest and penalties will be computed from the original due date of the return regardless of any extensions.

c. Contractors and subcontractors who claim the health insurance credit that reduce their tax liability to zero for a taxable year should file their return with the department.

i. If the taxpayer's health insurance credit is reduced as provided by §1195.C.3 such that the taxpayer owes additional tax, the taxpayer will receive an assessment for the taxes owed exclusive of interest and penalties if paid within 60 days.

ii. If the additional amount owed is paid within the 60-day period, the interest is abated pursuant to R.S. 47:1601. Payment of the additional amount owed within the 60-day period will be considered to be a request for waiver of delinquent payment penalties pursuant to R.S. 47:1603 and will be granted.

iii. If the amount owed is not paid within the 60-day period, interest and penalties will be computed from the original due date of the return regardless of any extensions.

D. Information that must be submitted with the return in order to properly claim the credit:

1. statement that health insurance has been offered to at least 85 percent of the employees;

2. copy of the health insurance coverage plan from the insurance company;

3. number of full-time employees working for the contractor or subcontractor; and

4. amount of the contract for public work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.759, R. S. 47:1601, R.S. 47:1603, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:

#### **Family Impact Statement**

The proposed adoption of LAC 61:I.1195, regarding the health insurance credit for contractors of public works should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budgets;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., Wednesday, January, 25, 2006. A public hearing will be held on Thursday, January, 26, 2005, at 2 p.m. in the River Room located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Health Insurance Credit for Contractors of Public Works**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The implementation of this proposed regulation will require the addition of one Revenue Accounts Auditor with salary and related benefits of \$52,275 in Fiscal Year 2006/07 and expenses of \$15,000 for system modification and tax form redesign for Fiscal Year 2006-2007. These tax credits expire on December 31, 2007. As such, the Department of Revenue will incur recurring costs for this staff person at least through Fiscal Year 2008-2009.

The implementation of this proposed regulation will have no impact on state government costs or savings.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed regulation explains the procedure to implement Act 504 of the 2005 Regular Legislative Session (SB 351). Act 504 is estimated to reduce State General Fund revenues by an amount not greater than \$3 million in total for Fiscal Years 2005/06, 2006/07, and 2007/08.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Statutory changes related to Act 504 of the 2005 Regular Legislative Session will decrease the tax payments of public works construction contractors who furnish certain health insurance coverage to their employees by an amount not greater than \$3 million in Fiscal Years 2005-2006, 2006-2007, and 2007-2008. Employees who would not otherwise have health insurance coverage may be provided this employment benefit.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges  
Secretary  
0512#043

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Tax Commission**

Ad Valorem Taxation  
(LAC 61:V.101, 103, 203, 205, 211, 301, 304, 309,  
703, 705, 907, 1103, 1307, 1501, 1503, 2503, 3101,  
3103, 3105, 3307, 3501, 3503, and 3507)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations for use in the 2006 (2007 Orleans Parish) tax year.

The full text of these proposed rules may be viewed in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed rules until 4 p.m., January 9, 2006, at the following address: Vanessa LaFleur, General Counsel, Louisiana Tax Commission, P.O. Box 66788, Baton Rouge, LA 70896.

Elizabeth L. Guglielmo  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Real/Personal Property**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated state costs or savings associated with the proposed Rules. The LTC Rules and Regulations Manual, as well as, updates will be available on the agency's website beginning January 2006 at no charge. The impact on local governmental workload and paperwork cannot be quantified, but is expected to be minimal.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

**Local Governmental Units**

These revisions will generally increase certain 2006 real and personal property assessments for property of similar age and condition in comparison with equivalent assessments in 2005. Composite multiplier tables for assessment of most personal property will increase by an estimated 5 percent. Specific valuation tables for assessment of pipelines will generally increase by an estimated 116 percent and drilling rigs will generally increase by an estimated 22.5 percent. The net effect of these revisions is estimated to increase assessments by 8.8 percent and tax collections by \$45,522,000 on the basis of existing statewide average millage. However, these revisions will not necessarily effect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution.

**State Governmental Units**

Under authority granted by R.S. 47:1838, the Tax Commission will receive state revenue collections generated by assessment service fees estimated to be \$330,000 from public service companies and \$116,000 from financial institutions and insurance companies all of which are assessed by the Tax Commission.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The affects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in 2006 than in 2005. Specific assessments will depend on the age and condition of the property subject to assessment.

The estimated costs that will be paid by affected persons as a result of the assessment and user service fees as itemized above total \$446,000 to be paid by public service property owners, financial institutions and insurance companies for 2005/2006.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for our updates, the impact is thought to be minimal.

Elizabeth L. Guglielmo  
Chairman  
0512#078

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Community Services**

Developmental and Socialization Activities Program for Foster Children (LAC 67:V.3507)

In accordance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Social Services, Office of Community Services, proposes to amend the Rule LAC 67:V, Subpart 5, Foster Care, Chapter 35, Payments, Reimbursements, and Expenditures, §3507, Developmental and Socialization Activities for Foster Children, to increase the maximum allowable amount per child to \$500 per year. A Declaration of Emergency effective December 1, 2005 cited the October 1, 2005, Memorandum of Understanding between the Office of Family Support and the Office of Community Services giving access to the availability of Temporary Assistance to Needy Families (TANF) funds for this program and specifying the increase per child.

**Title 67**

**SOCIAL SERVICES**

**Part V. Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables, and Expenditures**

**§3507. Developmental and Socialization Activities for Foster Children Program**

A. The Department of Social Services, Office of Community Services will only provide for separate reimbursement or expenditure of the cost of organized developmental and socialization activities and related items for foster children 6 through 17 years of age who reside in a foster home setting, certified and non-certified. This reimbursement or expenditure for developmental and socialization activities and related items is separate from the board rate in order to improve self-esteem and appropriate peer interaction for foster children and to prevent out of wedlock pregnancies. The activities shall address specific

areas of need such as building self-confidence, physical coordination, or improving peer interactions.

B. Eligibility is limited to foster children 6 through 17 years of age, who are in a foster home setting, certified or non-certified.

C. The maximum allowable amount for a child is limited to \$500 per year based on the availability of TANF funding.

D. The allowable activities and related items must be purposefully planned by the foster care worker and the child's foster parent to meet a specific need that is addressed in the case plan for the child.

E. The allowable activities include such activities as summer camps; community organization/church/school sponsored trips; memberships in organizations such as Scouts or community sports teams and similar activities; and self-improvement or skill development classes such as music, art, dance, gymnastics, and swimming lessons. Musical instruments, supplies and safety devices or equipment, specialized clothing, and other related items required to participate in these activities are allowable for reimbursement or expenditure under this program as well as the activity.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231, R.S. 36:474, R.S. 36:476 and 477, and R.S. 46:51

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:484 (February 2005), amended LR 32:

All interested persons may submit written comments through Friday, February 24, 2006, to Marketa Garner Gautreau, Assistant Secretary, Office of Community Services, P.O. Box 3318, Baton Rouge, LA 70821.

#### **Family Impact Statement**

1. The Effect on the Stability of the Family. By providing appropriate developmental and socialization activities to improve self-esteem and appropriate peer interaction, foster children will have opportunities to learn and grow into mature adults who can provide safe and stable families for future generations.

2. The Effect on the Authority and Rights of Parents Regarding Education and Supervision of Their Children. The Developmental and Socialization Program service is provided only to children who have been removed by court order from their parent's custody to protect the safety and well being of the child. If court has not terminated parental rights, the parents as well as the foster parents participate in case planning for services needed by the child.

3. The Effect on the Functioning of the Family. The provision of Developmental and Socialization Program services for foster children 6 to 17 years of age placed in family homes will enhance the functioning of the family unit and promote stable family life. Through the child's participation in activities, the foster parents will be provided respite from full time childcare. The child will develop healthy relationships with responsible adult leaders of community activities for children as well as peer relationships in order to prevent teenage, out of wedlock pregnancies.

4. The Effect on Family Earnings and Family Budget. The provision of developmental and socialization activities for children will assist foster families who might not otherwise be able to afford for the child to participate in community activities such as Scouting or community team sports.

5. The Effect on the Behavior and Personal Responsibility of Children. The participation in organized activities is to improve self-esteem and appropriate peer interaction for foster children and to prevent out of wedlock pregnancies. The activities shall address specific areas of need such as building self-confidence, physical coordination, or improving peer interactions.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The program is to provide activities that the family could not afford to offer the foster child and that is not otherwise available through community resources.

Ann Silverberg Williamson  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: Developmental and Socialization Activities Program for Foster Children**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The Office of Community Services will expend \$325,000 of Temporary Assistance to Needy Families (TANF) funds to meet the federal goal requirement to prevent out of wedlock pregnancies by funding the Developmental and Socialization Program for foster children 6 through 17 years of age. A minimum of 650 foster children can be served with the funds made available. The minimal cost of publishing rulemaking is approximately \$136. The total estimated implementation cost is approximately \$325,136. Administrative costs for publishing the rulemaking item will be absorbed through the existing budget for the purpose of advertising in the *Louisiana Register*.

There are no savings to state or local government units.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this Rule will have no effect on state or local revenue collections.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Foster children 6 through 17 years of age will be the direct recipients of the services. A foster child identified with a specific developmental and socialization need in the case plan may receive program services to address the need up to a maximum expenditure of \$500 per calendar year which includes an increase of \$200 over previous program limits.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed Rule will have no impact on competition and employment.

Kaaren Hebert  
Deputy Assistant Secretary  
0512#083

H. Gordon Monk  
Acting Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Community Services**

**Reimbursement Rates for Residential Facilities  
(LAC 67:V.3503)**

The Department of Social Services, Office of Community Services, intends to amend the LAC 67:V.3503.A. of the Foster Care Program as authorized by R.S. 46:153. In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered and deemed to have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

**Title 67  
SOCIAL SERVICES  
Part V. Community Services  
Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and Expenditures**

**§3503. Reimbursement Rates for Residential Facilities**

A. Office of Community Services (OCS) will implement a competitive solicitation process as a means to select all private residential facility-based programs to serve foster children and to establish per diem rates for that residential service. The department's published Prospective Provider Procedure will be followed. The department may adjust the cycle for the competitive solicitation process when the appointing authority of the OCS determines that an emergency situation exists or other exigent circumstances require the adjustment of the cycle in order to facilitate the provision of appropriate services to children.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 26:1342 (June 2000), LR 27:735 (May 2001), LR 32:

Ann S. Williamson  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Reimbursement Rates  
for Residential Facilities**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
It is estimated that the costs to publish this Rule will be \$100 which will be paid out of current year funds in the Office of Community Services (OCS). There will be no increased cost as a result of implementation of the Emergency Rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this Rule will have no effect on state and local revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There is no economic cost to providers as a result of this Rule. Extending the solicitation process previously planned for

- winter/spring 2006 will allow providers to more firmly recover from the storm before having to respond to the solicitation process. It also affords the state some time to reassess its needs and available resources post Hurricanes Katrina and Rita.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated impact on competition and employment from the proposed Emergency Rule.

Kaaren Hebert Deputy Assistant Secretary 0512#084	H. Gordon Monk Acting Legislative Fiscal Officer Legislative Fiscal Office
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**NOTICE OF INTENT  
Department of Social Services  
Office of Family Support**

**Support Enforcement Services Program  
Electronic Disbursement of Child Support  
(LAC 67:III.2518)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), by adopting §2518, Electronic Disbursement of Child Support Payments.

The devastation caused by Hurricanes Katrina and Rita has resulted in the suspension of postal services in some areas of the state that is delaying receipt of child support payments. These circumstances impose an extreme hardship on the custodial parent. Pursuant to Section 454A(g) of the Social Security Act, the agency is adopting §2518, Electronic Disbursement of Child Support Payments, to allow the state to use its automated system for the effective and efficient collection and disbursement of support payments.

The adoption of this Rule is necessary to avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Services Program in Louisiana.

A Declaration of Emergency effecting these changes was signed November 1, 2005, and published in the November issue of the *Louisiana Register*.

**Title 67  
SOCIAL SERVICES  
Part III. Family Support  
Subpart 4. Support Enforcement Services  
Chapter 25. Support Enforcement  
Subchapter D. Collection and Distribution of Support Payments**

**§2518. Electronic Distribution of Child Support Payments**

- A. Effective November 1, 2005, the agency will offer electronic disbursement of child support payments. Electronic disbursement of child support includes direct deposits to the custodial parent's bank account (checking or savings) or payments to a stored value card account.
- B. A stored value card is a card-accessed account system where payments are electronically deposited into an account accessible for cash withdrawal or for credit purchases.
- C. The fees associated with the use of the stored value card are subject to the conditions of that financial institution.

AUTHORITY NOTE: Promulgated in accordance with section 454A(g) of the Social Security Act and PIQ-04-02.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:

### Family Impact Statement

1. What effect will this Rule have on the stability of the family? This Rule will have no impact on the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This Rule should have no effect on a person's authority and rights regarding the education and supervision of their family.

3. What effect will this have on the functioning of the family? This Rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? The Rule will ensure that disbursements of child support payments are made in a timely and efficient manner. As a result, the family budget may be positively impacted.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

Interested persons may submit written comments by January 26, 2006, to Adren O. Wilson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065. He is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on January 26, 2006, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann Silverberg Williamson  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Support Enforcement Services Program—Electronic Disbursement of Child Support

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation costs for this proposed Rule is estimated to be \$2,100 for FY 05/06 and \$500 for FY 06/07. These figures represent the costs incurred from publishing rulemaking and printing policy, forms, flyers and posters.

By utilizing electronic funds transfer services to issue child support payments, the Office of Family Support, Support Enforcement Services (SES) estimates a savings of \$3,038,242 for FY 05/06 and \$2,336,704 for FY 06/07. The estimated savings are net of the \$2,100 and \$500 publication costs. In an effort to help recipients who were displaced due to hurricanes

Katrina and Rita and to more effectively use electronic transfer services for all recipients, SES plans to begin offering direct deposit or stored valued cards effective November 1, 2005. The electronic transfer services will be provided under the state's current Central Bank Services Agreement contract with Chase Bank. This contract will expire October 2006; therefore, the savings for FY 06/07 were calculated from July 2006-October 2006.

SES currently issues 140,203 child support checks monthly. According to research provided by JP Morgan, banks charge \$5 to produce each check. The savings were calculated on a monthly basis in three parts. The first part was calculated by multiplying the actual number of displaced recipients who would receive stored value cards by \$5. The second part was calculated by multiplying the projected number of non-displaced recipients who would elect to receive stored value cards by 10 percent and then by \$5. The third part was calculated by multiplying the projected number of non-displaced recipients who would elect direct deposit by 10 percent and then by \$5. A 10 percent increment was used as the rate that non-displaced recipients would participate based on research done by JP Morgan. It was also assumed that the total participation rate for non-displaced recipients would be 80 percent.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will have no effect on state and local revenue collections.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to any nongovernmental groups. Support Enforcement Services' custodial parents may or may not incur fees associated with the use of the stored value card (Chase Direct Payment Card) or direct deposit. The Chase Direct Payment Card offers free point-of-sale transactions, free monthly statements and one free ATM withdrawal per deposit at Chase and Allpoint ATMS. Regarding direct deposit, most banks offer free checking accounts when a direct deposit is established so it is not anticipated that there will be fees involved with this service.

Support Enforcement Services is unable to project fee amounts that will be incurred by its customers/clients as they may in fact not incur any fees. Additionally, Chase has been unable to project the amount of fees that the customers/clients might incur.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will have no impact on competition and employment.

Adren O. Wilson  
Assistant Secretary  
0512#082

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Possession of Potentially Dangerous Quadrupeds and Non-Human Primates (LAC 76:V.115)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the regulations for possession of potentially dangerous quadrupeds by adding non-human primates.

This Notice of Intent supplants and supercedes that Notice of Intent published in the *Louisiana Register*, Volume 31, Number 6, June 20, 2005, pages 1429-1431.

The Secretary of the Department of Wildlife is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

## Title 76

### WILDLIFE AND FISHERIES

#### Part V. Wild Quadrupeds and Wild Birds

##### Chapter 1. Wild Quadrupeds

##### §115. Possession of Potentially Dangerous Wild Quadrupeds and Non-Human Primates

A. This commission finds that possession of certain potentially dangerous quadrupeds and non-human primates poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impacts on conservation and recovery of some threatened and endangered species.

1. The size and strength of such animals in concert with their natural and unpredictable and/or predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly.

2. Responsible possession of these potentially dangerous wild quadrupeds and non-human primates necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society.

3. Certain of these animals are listed as endangered species and others are so similar in appearance to endangered subspecies as to make practical distinction difficult. This similarity of appearance may provide a means to market illegally obtained endangered animals and can limit the effective enforcement of endangered species laws.

B. This commission regulation prohibits importation and private possession of certain wild quadrupeds and non-human primates as follows.

C.1. Except as provided herein, it shall be unlawful to import into, possess, purchase or sell within the state of Louisiana, by any means whatsoever including but not limited to transactions conducted via the internet, any of the following species or its subspecies of live wild quadrupeds or non-human primates, domesticated or otherwise (hereinafter "listed animals"):

- a. cougar or mountain lion (*Felis concolor*);
- b. black bear (*Ursus americanus*);
- c. grizzly bear (*Ursus arctos*);
- d. polar bear (*Ursus maritimus*);
- e. red wolf (*Canis rufus*);
- f. gray wolf (*Canis lupus*);
- g. wolf dog hybrid (*Canis lupus* or *Canis rufus x Canis familiaris*);

h. all non-human primates.

2. Valid game breeder license holders for these species listed Subparagraph a-f above legally possessed prior to October 1, 1988, will be "grandfathered" and renewed annually until existing captive animals expire, or are legally transferred out of state, or are transferred to a suitable facility. No additional listed animals may be acquired.

3. The prohibition against wolf-dog hybrids expired January 1, 1997. Persons are cautioned that local ordinances or other state regulations may prohibit possession of these animals. Any animal which appears indistinguishable from a wolf, or is in any way represented to be a wolf shall be considered to be a wolf in the absence of bona fide documentation to the contrary.

4. The following organizations and entities shall be exempt from this regulation, including permitting:

a. zoos accredited or certified by the American Zoo and Aquarium Association (AZA);

b. research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, §2132(e), including but not limited to the University of Louisiana at Lafayette Primate Center, the Tulane National Primate Research Center, and Chimp Haven, Inc., located in Shreveport, LA; and

c. any person transporting any listed animal through the state if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent escape and contact with the public.

5. The following organizations and entities may be exempted from this regulation after applying for and receiving a permit from the department to possess any listed animal under the following conditions:

a. other zoos and educational institutions not covered under Subparagraph 4.c. above. The secretary shall determine whether to issue a permit and any conditions for the permit on a case by case basis;

b. animal sanctuaries accredited or certified by AZA. Permitted Sanctuaries are prohibited from breeding or selling any listed animal. The animals must be housed in such a manner as to prevent public contact. Permitted sanctuaries are prohibited from transporting these animals to any public building or place where they may come into contact with the public including, but not limited to schools, hospitals or malls is prohibited.

6. As provided below, the following individuals may be exempted from this regulation after applying for and receiving a permit from the department to possess a non-human primate. The permit will be for one year and must be renewed annually under the following conditions:

a. a physically challenged individual who has exclusive possession of no more than one monkey that is working to aid and assist said individual with his/her disability and where the monkey has been obtained through and trained by a licensed and accredited non-profit organization dedicated to improving the quality of lives for physically challenged;

b. an individual who legally possesses one or more non-human primates prior to the effective date of this regulation and who can prove legal ownership is authorized to keep those non-human primates but is prohibited from acquiring any additional non-human primates by any means whatsoever, including breeding;

c. the individuals listed in this subsection must annually apply for and receive a permit from the department. The permit application shall include:

- i. the name, address, telephone number, and date of birth of applicant;
- ii. a description of each non-human primate applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks;
- iii. a photograph of each non-human primate and its permanent enclosure;
- iv. the physical location where the non-human primate is to be kept;
- v. proof of legal ownership. (Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the Department demonstrating ownership.);
- vi. the microchip or tattoo number of each non-human primate;
- vii. a health certificate signed by a licensed veterinarian within one year prior to the date of the application stating that the animal is free of all symptoms of contagious and/or infectious diseases at the time of the examination and that all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

d. Permit holders must house their non-human primates in such a manner as to prevent public contact and are prohibited from transporting their non-human primate to any public building or place where the public may come into contact with the non-human primate, including, but not limited to schools, hospitals or malls.

e. Permit holders must have their non-human primates examined annually by a licensed veterinarian to insure that the animal is free of all symptoms of contagious and/or infectious diseases at the time of examination and all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

f. Permit holders are required to report any escapes to the department within 24 hours of discovery of the escape.

g. Permit holders are required to submit any changes to the permit information provided in the permit application within 30 days of the date those changes take effect or the permit will be considered invalid.

D. Minimum pen requirements for exempted educational institutions, zoos and scientific organizations are as follows:

1. Bears

- a. Single animal: 25 feet long x 12 feet wide x 10 feet high, covered roof;
- b. pair: 30 feet long x 15 feet wide x 10 feet high, covered roof;
- c. materials: chain link 9 gauge minimum;
- d. safety perimeter rail;
- e. pool: 6 feet x 4 feet x 18 inches deep with facilities for spraying or wetting bear(s);

2. Wolf

- a. 15 feet long x 8 feet wide x 6 feet high per animal, covered roof;
- b. secluded den area: 4 feet x 4 feet for each animal;
- c. materials: chain link wire or equivalent;
- d. safety perimeter rail;

3. Cougar, Mountain lion

- a. Single animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;
- b. pair: 15 feet long x 8 feet wide x 8 feet high, covered roof;
- c. materials: chain link 9 gauge minimum;
- d. safety perimeter rail;
- e. claw log;
- f. shelf: 24 inch wide x 8 feet long, 40 inches off floor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:171, and R.S. 56:1904F.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:1356 (December 1995), amended LR 32:

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit comments relative to the proposed Rule to Philip E. Bowman, Department of Wildlife and Fisheries, Fur & Refuge Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, February 2, 2006.

Wayne J. Sagrera  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Possession of Potentially Dangerous  
Quadrupeds and Non-Human Primates**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. A slight increase in workload and paperwork associated with issuance of permits is anticipated. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will affect those individuals who already possess or want to acquire non-human primates. Those individuals who already possess non-human primates will be required to obtain a permit of possession from the Department of Wildlife and Fisheries. Owners of non-human primates will be required to submit proof of legal ownership and veterinary records when applying for a permit. Permits will be issued at no charge. The cost of veterinary care required will be approximately \$85 for the first year and \$65 per year thereafter. First year costs include a \$20 fee to insert a microchip in or place a tattoo number on the non-human primate.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not expected to affect competition and employment in the public or private sector.

Janice A. Lansing  
Undersecretary  
0512#072

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Reserve Enforcement Agents (LAC 76:I.307)

The Office of the Secretary within the Department of Wildlife and Fisheries does hereby give notice of its intent to enact regulations for commissioning of retired wildlife enforcement agents.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part I. Wildlife and Fisheries Commission and Agencies Thereunder

#### Chapter 3. Special Powers and Duties

#### Subchapter B. Enforcement Officers

#### §307. Reserve Enforcement Agents

##### A. General

1. R.S. 56:69.9 provides for the commissioning of retired wildlife enforcement agents as reserve enforcement agents in order to supplement the Department of Wildlife and Fisheries law enforcement program. Reserve agents bring with them experience and skills not normally found in entry-level, full time agents. Reserve agents may be assigned to law enforcement related functions, community service functions and may also be used as a resource in emergencies and large-scale special events.

2. Reserve agents may be called upon to perform the same duties and accept the same hazards and responsibilities as full-time wildlife enforcement agents. Educational level, experience, physical condition, and other selection criteria applicable to full-time agents apply equally to reserve agents.

3. Only retired wildlife enforcement agents who retired under the provisions of R.S. 11:582 shall qualify to become reserve wildlife enforcement agents. Eligibility for initial application shall be from the official date of retirement. There shall be no more than 50 active commissioned reserve agents. The chief of the enforcement division may make recommendations to the secretary of the department concerning commissioning of reserve agents. The secretary of the department may commission qualified reserve agents and shall have authority to revoke reserve agent commissions at any time. No commission shall be issued for a period greater than one year but may be renewed annually upon satisfactory completion of training requirement as provided by R.S. 56:69.7 and policy and procedure.

##### B. Work Performance and Training Requirements

1. Commissioned reserve agents shall have the powers of and may function as a wildlife enforcement agent when under the direct supervision of a full time employed wildlife enforcement agent. Commissioned reserve agents are prohibited from taking enforcement action unless under the direct supervision of, and accompanied by, a wildlife enforcement agent. This prohibition shall not preclude reserve agents from performing activities such as surveillance, hunter/boater education training, and public

outreach when unaccompanied by a wildlife agent, as long as all activities are under the direction of a wildlife enforcement agent. Reserve agents shall serve at the direction of the regional or section supervisor and may be assigned monthly in accordance with desired needs.

2. Reserve agents are limited in their enforcement authority and may not directly issue citations or make arrests, but can only assist wildlife agents in these duties. Reserve agents may serve as witnesses in any court proceeding relevant to their role as a commissioned reserve agent.

3. The provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950, pertaining to worker's compensation, shall not apply to reserve agents. A reserve agent will be required to sign a statement attesting that he has read and understands these rules and the conditions of his being commissioned as a reserve agent. He shall also provide evidence of insurance coverage for personal health and accident insurance. The department shall provide comprehensive general liability insurance, including personal injury coverage for third parties.

4. Serving as a reserve agent is a purely voluntary undertaking and no person commissioned under these provisions shall receive any compensation whatsoever for time or expenses incurred while in training or while in the performance of his/her duties as a reserve agent. The department may provide each reserve agent with a uniform; however such uniform shall identify the reserve agent as being reserve.

5. Reserve enforcement agents shall be required to maintain refresher training annually on fish and wildlife law, regulations, and rules, POST firearms re-qualification, use of force and any other statutorily required training for full time law enforcement officers performing like functions. The enforcement division may provide such training for reserve enforcement agents. Qualifying standards shall be identical to those of regular officers.

6. Reserve enforcement agents shall be required to comply with all provisions of Title 56 and other state and federal law as applicable.

##### C. Cases for Revocation of Commissions

1. Cases for revocation of reserve commissions shall include but shall not be limited to situations where:

a. the reserve agent is convicted of a felony, a misdemeanor, or any wildlife or fishery violation;

b. the reserve agent fails to perform as required by his supervising wildlife agent;

c. the reserve agent receives an unfavorable recommendation from his supervisor;

d. the reserve agent fails to maintain the minimum insurance coverage as provided in R.S. 56:69.12. It shall be the responsibility of the reserve agent to provide proof annually of personal health and injury insurance. The chief of enforcement shall maintain copies of such insurance in each reserve agent's file. Insurance information shall be forwarded to the department's human resources section;

e. the reserve agent fails to comply with any other rule or requirement the secretary or chief of enforcement may require;

f. a reserve agent violates departmental or enforcement division policy;

g. a reserve agent engages in misconduct or insubordination.

2. It shall be the responsibility of the regional captain or section supervisor to monitor and maintain records on all reserve enforcement agents assigned to perform duties within their respective jurisdictions, insure compliance with policies and procedures and report through the chain of command of any violations thereof.

3. The chief of enforcement shall also maintain a file on all active reserve agents, which shall include documentation required to maintain active status as a reserve agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:69.13.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Secretary, LR 32:

In accordance with Act No. 1183 of 1999, the Department of Wildlife and Fisheries/Office of Secretary hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: this Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested parties may submit comments relative to the proposed Rule to Colonel Winton Vidrine, Law Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, February 2, 2006.

Dwight Landreneau  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Reserve Enforcement Agents

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Costs to the state are anticipated to be \$1,000 per year and the existing budget contains sufficient funds to implement the proposed rule. No local governmental implementation costs are anticipated.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state and local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule outlines the requirements to become a reserve enforcement agent and describes their duties, responsibilities and enforcement authority. It places a cap on the number of reserve enforcement agents, identifies who is responsible to monitor and maintain records on reserve agents, and presents cases for revocation of reserve commissions.

The proposed rule will provide opportunities for retired wildlife enforcement agents to continue to serve and assist the department. It will also allow retired enforcement agents to receive training and maintain their required qualifications to be an enforcement agent. A reserve agent will be considered a volunteer and will not receive any compensation for work performed.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effects on competition and employment are anticipated.

Janice A. Lansing  
Undersecretary  
0512#071

Robert E. Hosse  
Staff Director  
Legislative Fiscal Office

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Division of Pesticides and Environmental Programs

#### Imposition of Quarantine—Hurricane Katrina

In accordance with the provisions of the Formosan Termite Initiative Act, (R.S. 3:3391.1 through 3391.13), the Commissioner of Agriculture and Forestry, (commissioner), by the authority granted to him by R.S. 3:3391.7, hereby issues the following quarantine:

#### **I. Facts Supporting Declaration**

On August 29, 2005 Hurricane Katrina devastated the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, and Washington. The named parishes are known to be heavily infested with Formosan termites. The hurricane has left millions of tons of wood debris, including debris infested with Formosan termites, in the named parishes. Additionally, thousands of structurally unsound buildings and structures, many of which are infested with Formosan termites, are in the named parishes and will have to be destroyed and turned into wood debris. State and federal authorities have developed plans to turn this wood debris into compost and other items for use in these and other Louisiana parishes. Such use of this wood debris will facilitate the spread of Formosan termites into areas of the state that are either not currently infested or have a minor or moderate infestation, thereby causing destruction or substantial damage to houses and other structures.

Many of the houses and structures that will be destroyed contain architecturally significant components, such as beams and doors, which are both salvageable and economically valuable. These articles will be sold for installation in new and remodeled homes and structures in the named parishes and in other parishes. Many of these articles will be infested with Formosan termites. The use of these infested articles in new and remodeled homes and structures will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures.

The devastation left by Hurricane Katrina also requires temporary and permanent housing to be moved into or built in the named parishes. Unless the movable temporary housing is inspected prior to leaving the named parishes, the use or passage of the temporary housing in or through other parishes of the state will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures. All new construction and reconstruction of permanent housing in the named parishes must be treated for Formosan termites to reduce the extent of infestation and to minimize subsequent destruction and damage to these homes and structures and other homes and structures.

Imposition of this quarantine is required to prevent the spread of Formosan termites and infestation of areas, homes and structures that are not currently infested, or which are to be built or reconstructed. Failure to impose this quarantine will cause severe economic damage and property loss to the citizens of Louisiana.

#### **II. Objectives of Quarantine**

The objectives of this quarantine are to prevent the spread of Formosan termites into areas of the state that are not now currently infested with Formosan termites, to prevent Formosan termites from infesting existing homes and structures that are not currently infested, and to prevent Formosan termites from infesting new and reconstructed homes and structures.

#### **III. Geographical Area of Quarantine**

The geographical areas of this quarantine are the named parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, and Washington.

#### **IV. Prohibitions and Requirements**

1. All new construction and reconstruction of houses, buildings and other permanent structures in the named parishes must be treated for Formosan termites according to the Louisiana Structural Pest Control Commission's Rules and Regulations.

2. The movement of any wood or cellulose material from the named parishes is prohibited unless either (1) such wood or cellulose material has been fumigated or otherwise treated for Formosan termites and is approved for movement by the commissioner or his designee(s), or (2) the commissioner or his designee(s) gives written authorizations for untreated wood or cellulose material to be moved from the named parishes.

3. All temporary housing to be moved out of the named parishes shall not be removed from the named parishes until written authorization is given by the commissioner or his designee(s).

4. All architectural components, such as beams, doors, and other wood salvaged from a structure in the named parishes shall not be sold or placed in a new, remodeled, or reconstructed home, building, or permanent structure located in the named parishes or in any other parish prior to being fumigated or treated for Formosan termites.

#### **V. Exemptions from Quarantine**

The following activities shall be exempt from this quarantine.

1. Commercial logging and timber operations related to silviculture productions.

2. Commercial operations involving the sale or distribution of nursery stock. Nursery stock is defined in R.S. 3:1656(B) and means "all trees, shrubs, ornamental plants, grass sod, foliage plants, or marsh plants."

#### **VI. Time Limit**

This quarantine shall remain in effect until rescinded by my written order. A waiver of any requirement or authorization for anyone to do any of the prohibited acts,

whether in whole or in part, by me or my designee(s) shall not be construed as rescinding or modifying this quarantine.

Signed December 7, 2005 at Baton Rouge, Louisiana.

Bob Odom  
Commissioner

0512#069

## POTPOURRI

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Division of Pesticides and Environmental Programs

#### Imposition of Quarantine—Hurricane Rita

In accordance with the provisions of the Formosan Termite Initiative Act, (R.S. 3:3391.1 through 3391.13), the Commissioner of Agriculture and Forestry, (commissioner), by the authority granted to him by R.S. 3:3391.7, hereby issues the following quarantine

#### **I. Facts Supporting Declaration**

On September 24, 2005 Hurricane Rita devastated the parishes of Calcasieu, Cameron and Jefferson Davis. The named parishes are known to be heavily infested with Formosan termites. The hurricane has left millions of tons of wood debris, including debris infested with Formosan termites, in the named parishes. Additionally, thousands of structurally unsound buildings and structures, many of which are infested with Formosan termites, are in the named parishes and will have to be destroyed and turned into wood debris. State and federal authorities have developed plans to turn this wood debris into compost and other items for use in these and other Louisiana parishes. Such use of this wood debris will facilitate the spread of Formosan termites into areas of the state that are either not currently infested or have a minor or moderate infestation, thereby causing destruction or substantial damage to houses and other structures.

Many of the houses and structures that will be destroyed contain architecturally significant components, such as beams and doors, which are both salvageable and economically valuable. These articles will be sold for installation in new and remodeled homes and structures in the named parishes and in other parishes. Many of these articles will be infested with Formosan termites. The use of these infested articles in new and remodeled homes and structures will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures.

The devastation left by Hurricane Rita also requires temporary and permanent housing to be moved into or built in the named parishes. Unless the movable temporary housing is inspected prior to leaving the named parishes, the use or passage of the temporary housing in or through other parishes of the state will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures. All new construction and reconstruction of permanent housing in the named parishes must be treated for Formosan termites to reduce the extent of infestation and to minimize subsequent destruction and damage to these homes and structures and other homes and structures.

Imposition of this quarantine is required to prevent the spread of Formosan termites and infestation of areas, homes and structures that are not currently infested, or which are to be built or reconstructed. Failure to impose this quarantine will cause severe economic damage and property loss to the citizens of Louisiana.

#### **II. Objectives of Quarantine**

The objectives of this quarantine are to prevent the spread of Formosan termites into areas of the state that are not now currently infested with Formosan termites, to prevent Formosan termites from infesting existing homes and structures that are not currently infested, and to prevent Formosan termites from infesting new and reconstructed homes and structures.

#### **III. Geographical Area of Quarantine**

The geographical areas of this quarantine are the named parishes of Calcasieu, Cameron and Jefferson Davis.

#### **IV. Prohibitions and Requirements**

1. All new construction and reconstruction of houses, buildings and other permanent structures in the named parishes must be treated for Formosan termites according to the Louisiana Structural Pest Control Commission's Rules and Regulations.

2. The movement of any wood or cellulose material from the named parishes is prohibited unless either (1) such wood or cellulose material has been fumigated or otherwise treated for Formosan termites and is approved for movement by the commissioner or his designee(s), or (2) the commissioner or his designee(s) gives written authorizations for untreated wood or cellulose material to be moved from the named parishes.

3. All temporary housing to be moved out of the named parishes shall not be removed from the named parishes until written authorization is given by the commissioner or his designee(s).

4. All architectural components, such as beams, doors, and other wood salvaged from a structure in the named parishes shall not be sold or placed in a new, remodeled, or reconstructed home, building, or permanent structure located in the named parishes or in any other parish prior to being fumigated or treated for Formosan termites.

#### **V. Exemptions from Quarantine**

The following activities shall be exempt from this quarantine.

1. Commercial logging and timber operations related to silviculture productions.

2. Commercial operations involving the sale or distribution of nursery stock. Nursery stock is defined in R.S. 3:1656(B) and means "all trees, shrubs, ornamental plants, grass sod, foliage plants, or marsh plants."

#### **VI. Time Limit**

This quarantine shall remain in effect until rescinded by my written order. A waiver of any requirement or authorization for anyone to do any of the prohibited acts, whether in whole or in part, by me or my designee(s) shall not be construed as rescinding or modifying this quarantine.

Signed December 7, 2005 at Baton Rouge, Louisiana.

Bob Odom  
Commissioner

0512#070

**POTPOURRI**

**Office of the Governor  
Office of Financial Institutions**

Judicial Interest Rate Determination for 2006

R.S. 13:4202(B), as amended by Acts 2001, No. 841, requires the Louisiana Commissioner of Financial Institutions to determine the rate of judicial interest. The commissioner has determined the judicial interest rate for the calendar year 2006 in accordance with §4202(B)(1).

The commissioner ascertained that on September 20, 2005 the Federal Reserve Board of Governors approved the discount rate of 4.75 percent, which rate was the "approved discount rate" on October 1, 2005.

R.S. 13:4202(B)(1) mandates that "on and after January 1, 2002, the rate shall be equal to the rate as published annually ... by the commissioner of financial institutions. The commissioner of financial institutions shall ascertain, on the first business day of October of each year, the Federal Reserve Board of Governors' approved discount rate published daily in the Wall Street Journal. The effective judicial interest rate for the calendar year following the calculation date shall be three and one-quarter percentage points above the discount rate as ascertained by the commissioner." Thus, the effective judicial interest rate for the calendar year 2006 shall be 8.00 percent per annum.

As provided by R.S. 13:4202(B)(2), this determination and its publication in the *Louisiana Register* shall not be considered rule-making, within the intentment of R.S. 49:950 et seq., the Administrative Procedure Act (APA), particularly R.S. 49:953. Therefore, neither a Fiscal Impact Statement nor a Notice of Intent is required by the APA.

John Ducrest, C.P.A.  
Commissioner

0512#065

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

Board Meeting Dates

The Members of the Louisiana Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates in 2006:

- Thursday, February 2, 2006
- Thursday, April 6, 2006
- Thursday, June 1, 2006 (Annual Meeting)
- Thursday, August 3, 2006
- Thursday, October 5, 2006
- Thursday, December 7, 2006

These dates are subject to change, so please contact the board office via telephone at (225) 342-2176 or e-mail at lbvm@eatel.net to verify actual meeting dates.

**Spring/Summer Examination Dates**

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday

prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline to Apply
April 10 through April 22, 2006	Tuesday, January 3, 2006

The board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows:

Test Date	Deadline to Apply
Friday, January 20, 2006	Friday, December 9, 2005

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at atlsvm@eatel.net; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish  
Administrative Director

0512#067

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

Board Nominations

The Louisiana Board of Veterinary Medicine announces that nominations for the position of Board Member will be taken by the Louisiana Veterinary Medical Association (LVMA) at the annual winter meeting to be held in late February 2006. Interested persons should submit the names of nominees directly to the LVMA as per R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted at (225) 928-5862.

Wendy D. Parrish  
Administrative Director

0512#079

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Lanaux & Wilson Operating Co.	Cameron Meadows	L	Cameron Meadows Land Co	3	169254 (29)
Kilroy Co. of Texas, Inc.	Wildcat	L	Cameron Meadows Land Co	1	148465 (29)
Lloyd H. Smith	East Cameron Meadows	L	Cameron Meadows Land Co	1	121771 (29)
Macon Ridge Land Co., Inc.	Lamar	M	Macon Ridge Land Co Inc	1	057817
M. L. Miller	Caddo Pine Island	S	Muslow	1	024268
Lusk Oil & Gas, Inc.	Wildcat	M	Lusk	1	165636
Lusk Oil & Gas, Inc.	Lamar	M	M R Goodwin	1	173822
Lusk Oil & Gas, Inc.	Wildcat	M	Dennis R Self	1	212313
Lusk Oil & Gas, Inc.	Lamar	M	MA TUSC RA SUA: BIGGS	2	221396
Lusk Oil & Gas, Inc.	Lamar	M	Carter	1	222758
Lusk Oil & Gas, Inc.	Lamar	M	Carter SWD	2	222822
Blakewood & Crump	Crew Lake	M	MGR TUSC SUD; C HALL	1	133779

James H. Welsh  
Commissioner

0512#074

## POTPOURRI

### Department of Natural Resources Office of the Secretary Fishermen's Gear Compensation Fund

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 13 claims in the amount of \$52,311.25 were received for payment during the period November 1, 2005-November 30, 2005.

There were 13 claims paid and 0 claims denied.

Loran Coordinates of reported underwater obstructions are:

26828	46969	Cameron
28611	46864	Jefferson

Latitude/Longitude Coordinates of reported underwater obstructions are:

2909.410	9021.059	Terrebonne
2910.161	8930.811	St. Bernard
2911.382	9052.658	Terrebonne
2916.897	8952.034	Jefferson
2918.081	8952.619	Jefferson
2926.199	9033.818	Terrebonne
2926.512	8957.559	Jefferson
2931.256	8958.820	Jefferson
2936.270	8933.918	Plaquemines
2936.284	8936.169	Plaquemines
2946.598	8932.100	St. Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle  
Secretary

0512#086

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