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Executive Orders

EXECUTIVE ORDER MJF 03-23

Office of Community Programs

WHEREAS, Executive Order No. MJF 99-14, issued on March 26, 1999, established the Office of Community Programs within the Office of the Governor; and

WHEREAS, it is necessary to amend Executive Order No. MJF 99-14, as amended by Executive Order No. MJF 99-39¹, issued on August 18, 1999, to reflect programmatic changes and recent legislation;

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

SECTION 1: Section 2 of Executive Order No. MJF 99-14, issued on March 26, 1999, is amended to provide as follows:

A. The Office shall be composed of the following agencies and divisions of the Office of the Governor:

1. Office of Disability Affairs (R.S. 46:2581, et seq.);
2. Office of Elderly Affairs (R.S. 46:931, et seq.);
3. Office of Indian Affairs (R.S. 46:2301, et seq.);
4. Office of Municipal Affairs;
5. Louisiana State Interagency Coordinating Council for Child Net (R.S. 17:1979 and R.S. 36.4(R));
6. Office of Rural Development (R.S. 3:314, et seq.);
7. Louisiana State Troops to Teachers Placement Assistance Program (Memorandum of Agreement dated February 2, 1995);
8. Office of Urban Affairs and Development (Executive Order No. MJF 96-47);
9. Governor's Office of Safe and Drug Free Schools and Communities; and
10. Drug and Policy Board (R.S. 49:219.1, et seq.).

B. The Office shall also be composed of the following programs and/or services:

1. Domestic violence contract services [R.S. 46:2522(11)];
2. Recreational Trails Program;
3. Renewal Community Program;
4. Non-public School Early Childhood Development Program;
5. Delta Regional Authority; and
6. Lower Mississippi Delta Development Commission.

SECTION 2: Subsection 4(B) of Executive Order No. MJF 99-14 is amended to read as follows:

The executive director shall be the appointing authority and budget authority for all the agencies, divisions, and programs listed in Section 2 of this Order except the Office of Elderly Affairs.

SECTION 3: Executive Order No. MJF 99-39, issued on August 18, 1999, is terminated and rescinded.

SECTION 4: All other sections, subsections, and/or paragraphs of Executive Order No. MJF 99-14 shall remain in full force and effect.

SECTION 5: The provisions of this Order are 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 18th day of November, 2003.

¹Executive Order No. MJF 99-33, signed on July 9, 1999, transferred an additional division of the Office of the Governor to the Office of Community Programs. Executive Order No. MJF 99-33 was terminated and rescinded by Executive Order No. MJF 99-39.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#009

EXECUTIVE ORDER MJF 03-24

Louisiana Emergency Operations

WHEREAS, the state of Louisiana must be prepared to respond in a coordinated, effective, and efficient manner to all emergencies and disasters to which it is subjected;

WHEREAS, effective preparation, including the development of an emergency operations plan which is coordinated between all the departments and agencies of the state of Louisiana, increases the ability of the state to mitigate the adverse effects of emergencies and/or disasters; and

WHEREAS, the state of Louisiana will best achieve effective coordinated emergency planning by updating the state's current emergency operations order through the replacement of Executive Order No. MJF 2001-11, issued on February 23, 2001, and by the Military Department, Office of Homeland Security and Emergency Preparedness, updating its emergencies operations plan;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., 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:

A. The director of the Office of Homeland Security and Emergency Preparedness, Military Department, state of Louisiana, (hereafter "director") shall direct the state of Louisiana's emergency and/or disaster operations.

B. The director, or the director's designee, shall also coordinate the activities of all non-state agencies, departments, and/or organizations involved in emergency management within the state of Louisiana.

SECTION 2:

A. The director shall supplement the provisions of this Order by prescribing rules, regulations, and procedures, which combined with the provisions of this Order, shall constitute the Louisiana emergency operations plan (hereafter "Plan").

B. The Plan shall provide for the emergency operations that may be implemented should an emergency and/or disaster strike the state of Louisiana or an area within the state of Louisiana.

C. The Plan shall be binding on all departments, commissions, boards, agencies, and officers of the state of Louisiana, and on all local governments and/or political subdivisions of the state authorized and/or directed to conduct emergency management operations.

SECTION 3:

A. The director shall control the activation and/or implementation of the Plan and the conclusion and/or deactivation of the Plan.

B. The director shall also control the activation and deactivation of the State Emergency Operations Center (hereafter "Center").

C. The activation of the Center shall constitute the implementation of the Plan.

SECTION 4: The primary and support responsibilities for the emergency services within the state of Louisiana shall be as follows:

Primary/ Annex	Assignment	Department/Agency	Primary/ Support		
A	Communication and Warning	Louisiana Office of Homeland Security and Emergency Preparedness	P		
		Louisiana National Guard	S		
		Department of Corrections	S		
		Department of Culture, Recreation, and Tourism	S		
		Office of the Governor - Division of Administration	S		
		Louisiana State Police	S		
		Department of Transportation and Development	S		
		Department of Wildlife and Fisheries	S		
		Volunteer Organizations	S		
		U.S. Coast Guard	S		
		B	Damage Assessment	Louisiana Office of Homeland Security and Emergency Preparedness	P
				Louisiana National Guard	S
				Department of Agriculture and Forestry	S
				Department of Culture, Recreation, and Tourism	S
Department of Economic Development	S				
Department of Education	S				
Department of Environmental Quality	S				
Office of the Governor - Office of Elderly Affairs	S				
Office of the Governor - Oil Spill Coordinator	S				
Department of Health and Hospitals	S				
Department of Labor	S				
Department of Natural Resources	S				
Department of Social Services	S				
Louisiana State Police	S				
C	Donated Goods	Department of Transportation and Development	S		
		Department of Wildlife and Fisheries	S		
		Volunteer Organizations	S		
		U.S. Army Corps of Engineers	S		
		U.S. Department of Agriculture - NRCS	S		
		Volunteer Organizations	P		
		Louisiana Office of Homeland Security and Emergency Preparedness	S		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Economic Development	S		
		Louisiana State University Health Sciences Center	S		
Department of Health and Hospitals	S				
Department of Social Services	S				
Department of Transportation and Development	S				

D	Emergency Direction and Control	Louisiana Office of Homeland Security and Emergency Preparedness	P		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Corrections	S		
		Department of Culture, Recreation, and Tourism	S		
		Department of Economic Development	S		
		Department of Education	S		
		Department of Environmental Quality	S		
		Office of the Governor - Division of Administration	S		
		Office of the Governor - Office of Elderly Affairs	S		
		Office of the Governor - Oil Spill Coordinator	S		
		Louisiana State University Health Sciences Center	S		
		Department of Health and Hospitals	S		
		Department of Justice	S		
		Department of Labor	S		
		Department of Natural Resources	S		
		Department of Social Services	S		
		Louisiana State Police	S		
		Department of Transportation and Development	S		
		Department of Wildlife and Fisheries	S		
		Public Service Commission	S		
		Volunteer Organizations	S		
		U.S. Army Corps of Engineers	S		
		U.S. Coast Guard	S		
		U.S. Department of Agriculture - NRCS	S		
		E	Energy	Department of Natural Resources	P
				Louisiana Public Service Commission	P
Louisiana National Guard	S				
Department of Transportation and Development	S				
Volunteer Organizations	S				
F	Engineering and Traffic Management Services	Department of Transportation and Development	P		
		Department of Health and Hospitals	S		
		U.S. Army Corps of Engineers	S		
		U.S. Department of Agriculture - NRCS	S		
G	Fire Fighting	Volunteer Organizations	S		
		Department of Agriculture and Forestry	P		
		Louisiana National Guard	S		
		Department of Culture, Recreation, and Tourism	S		
		Department of Wildlife and Fisheries	S		
H	HAZMAT	Volunteer Organizations	S		
		Louisiana State Police	P		
		Louisiana Office of Homeland Security and Emergency Preparedness	S		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Environmental Quality	S		
		Louisiana State University Health Science Center	S		
		Department of Health and Hospitals	S		
		Department of Natural Resources	S		
		Department of Transportation and Development	S		
		Department of Wildlife and Fisheries	S		
		U.S. Coast Guard	S		
		I	Information Management	Louisiana Office of Homeland Security and Emergency Preparedness	P
Emergency Preparedness	S				
Louisiana National Guard	S				
Department of Agriculture and Forestry	S				
Department of Corrections	S				
Department of Culture, Recreation, and Tourism	S				
Department of Economic Development	S				
Department of Education	S				
Department of Environmental Quality	S				
Office of the Governor - Division of Administration	S				
Office of the Governor - Office of Elderly Affairs	S				
Office of the Governor - Oil Spill Coordinator	S				
Louisiana State University Health Science Center	S				
Department of Health and Hospitals	S				
Department of Justice	S				

		Department of Labor	S
		Department of Natural Resources	S
		Department of Social Services	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana Public Service Commission	S
		Volunteer Organizations	S
		U.S. Army Corps of Engineers	S
		U.S. Coast Guard	S
		U.S. Department of Agriculture - NRCS	S
J	Law Enforcement and Security	Louisiana State Police	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation, and Tourism	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		U.S. Coast Guard	S
K	Legal Issues	Department of Justice	P
		Louisiana National Guard	S
		Office of the Governor - Division of Administration	S
L	Mass Feeding	Department of Corrections	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Economic Development	S
		Department of Environmental Quality	S
		Department of Health and Hospitals	S
		Louisiana State University Health Science Center	S
		Department of Social Services	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
M	Medical and Sanitation	Department of Health and Hospitals	
		Sanitation	P
		Louisiana State University Health Science Center	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Environmental Quality	S
		Department of Transportation and Development	S
		Volunteer Organizations	S
N	Oil Spill	Office of the Governor-Oil Spill Coordinator	P
		Louisiana Office of Homeland Security and Emergency Preparedness	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Environmental Quality	S
		Department of Natural Resources	S
		Louisiana State Police	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
		U.S. Coast Guard	S
O	Public Information	Louisiana Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation, and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Office of the Governor - Division of Administration	S
		Office of the Governor - Office of Elderly Affairs	S
		Office of the Governor - Oil Spill Coordinator	S
		Louisiana State University Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Department of Labor	S
		Department Natural Resources	S
		Department of Social Services	S

		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana Public Service Commission	S
		Volunteer Organizations	S
		U.S. Army Corps of Engineers	S
		U.S. Coast Guard	S
		U.S. Department of Agriculture - NRCS	S
P	Radiological	Department of Environmental Quality/LRPD	
		Louisiana Office of Homeland Security and Emergency Preparedness	P S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Louisiana State University Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Natural Resources	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana Public Service Commission	S
		U.S. Coast Guard	S
Q	Search and Rescue	Department of Wildlife and Fisheries	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation, and Tourism	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		U.S. Coast Guard	S
		Volunteer Organizations	S
R	Shelter Operations Control	Department of Social Services	P
		Department of Corrections	S
		Department of Culture, Recreation, and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Office of the Governor - Office of Elderly Affairs	S
		Louisiana State University Health Sciences Center	S
		Department of Health and Hospitals	S
		Volunteer Organizations	S
S	Traffic Control/Evactuation	Louisiana State Police	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation, and Tourism	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
T	Transporatation	Louisiana National Guard	P
		Department of Corrections	S
		Department of Economic Development	S
		Department of Education	S
		Office of the Governor - Office of Elderly Affairs	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		U.S. Coast Guard	S
		Volunteer Organizations	S
U	Watershed Protection	Louisiana Office of Homeland Security and Emergency Preparedness	P S
		Department of Natural Resources	S
		Department of Transportation and Development	S
		U.S. Army Corps of Engineers	S
		U.S. Coast Guard	S
		U.S. Department of Agriculture - SCS	S

EXECUTIVE ORDER MJF 03-25

Louisiana Wild Caught Shrimp Industry
Trade Action Advisory Council

SECTION 5: The head of each department, agency, office, entity, and/or organization (hereafter "department") identified in Section 4 of this Order shall designate both an emergency coordinator and an alternate coordinator to act on the department's behalf during an emergency situation, and furnish the director with their names and all phone numbers.

SECTION 6: The head of each department assigned a primary responsibility in Section 4 of this Order shall submit implementing procedures to the director that set forth the department's procedures for carrying out its assigned emergency functions. The head of each department shall submit annual updates of their implementing procedures to the director.

SECTION 7: The head of each department assigned emergency support responsibilities in Section 4 of this Order shall assist its primary department in the preparation of their department's implementing procedures and/or any other documents necessary to support the Plan.

SECTION 8: The head of each department assigned a primary and/or a support responsibility in Section 4 of this Order for an emergency service shall:

- A. Staff the Center with personnel during training exercises and emergencies as requested by the director;
- B. Maintain and operate a 24-hour response capability in the department headquarters when the Plan is implemented;
- C. Participate in exercises of the Plan when scheduled by the director;
- D. Participate in, and conduct, training essential to implementation of the department's assigned emergency service;
- E. Conduct an annual internal review to update the details of their department's implementing procedures and advise the director of any needed modifications of their department's implementing procedures; and
- F. Maintain logs, records, and reporting system required by all state and federal laws, rules, and regulations.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 10: Executive Order No. MJF 2001-11, issued on February 23, 2001, is hereby rescinded and terminated.

SECTION 11: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 26th day of November, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#007

WHEREAS, the wild caught shrimp industry is an integral part of the state of Louisiana's history, culture, and economy;

WHEREAS, the wild caught shrimp industry is a major component of the economy, providing employment and tax revenue for the state of Louisiana;

WHEREAS, certain foreign shrimp producing countries have utilized unfair trade practices that greatly damage the state's wild caught shrimp industry;

WHEREAS, funding sources and mechanisms must be developed in order to support a trade action for the protection of the domestic wild caught shrimp industry;

WHEREAS, the state of Louisiana supports a trade action by a consolidated wild caught shrimp industry in Louisiana and intends to assist in its success; and

WHEREAS, the state of Louisiana and its citizens will best be served by the creation of an advisory council that will assist the state of Louisiana in consolidating its efforts to initiate a trade action to protect itself from unfair trade practices utilized by foreign countries importing shrimp into the United States;

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

SECTION 1: The Louisiana Wild Caught Shrimp Trade Action Advisory Council (hereafter "Council") is established within the executive department, Office of the Governor.

SECTION 2: The duties of the Council shall include, but are not limited to, the following:

- A. supporting and assisting a trade action brought by a consolidated wild caught shrimp industry;
- B. exploring and developing funding sources and mechanisms to assist and support such trade action; and
- C. recommending proposed legislation to fund the trade action.

SECTION 3: On or before March 1, 2004, the Council shall submit a final report to the governor, and the secretary of the Department of Wildlife and Fisheries, on the issues set forth in Section 2 of this Order.

SECTION 4: The Council shall be composed of a maximum of thirteen (13) members who, unless otherwise specified, shall be appointed by and serve at the pleasure of the governor. The membership of the Council shall be selected as follows:

- A. the governor, or the governor's designee;
- B. the secretary of the Department of Wildlife and Fisheries, or the secretary's designee;
- C. the president of the Louisiana Senate, or the president's designee;
- D. the speaker of the Louisiana House of Representatives, or the speaker's designee;
- E. the chair of the Senate Committee on Natural Resources, or the chair's designee;

EXECUTIVE ORDER MJF 03-26

Bond Allocation? Industrial Development Board
of the City of New Orleans, Louisiana, Inc.

F. the chair of the House Committee on Natural Resources, or the chair's designee;

G. two (2) members appointed by the governor from a list of four (4) Louisiana residents nominated by the Louisiana Shrimp Association;

H. two (2) members appointed by the governor from a list of four (4) Louisiana residents nominated by the Louisiana Shrimp Industry Coalition;

I. one (1) member appointed by the governor from a list of three (3) Louisiana residents nominated by the American Shrimp Processors Association;

J. one (1) member appointed by the governor from a list of three (3) Louisiana residents nominated by the secretary of the Department of Wildlife and Fisheries who possess a current gear and boat license; and

K. one (1) at-large member.

SECTION 5: The chair of the Council shall be appointed by the governor from the membership of the Council. All other officers, if any, shall be elected from the membership of the Council.

SECTION 6: The Council shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 7:

A. Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

B. Council members who are employees or an elected public officials of the state of Louisiana or a political subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

C. Council members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana Senate or House of Representatives, as appropriate, for their attendance.

SECTION 8: Support staff, facilities, and resources for the Office shall be provided by the Department of Wildlife and Fisheries.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Office in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 26th day of November, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#008

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

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

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

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

WHEREAS, the Industrial Development Board of the City of New Orleans, Louisiana, Inc., has requested an allocation from the 2003 Ceiling to be used to finance the acquisition, construction, and installation of a mixed income residential housing development located at 2601 Alvar Street, New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$21,700,000	Industrial Development Board of the City of New Orleans, Louisiana, Inc.	Florida II A, LLC

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 the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before December 19, 2003.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of December, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#068

EXECUTIVE ORDER MJF 03-27

Bond Allocation? Industrial Development Board
of the City of New Orleans, Louisiana, Inc.

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

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2003 (hereafter "the 2003 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2003 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Industrial Development Board of the City of New Orleans, Louisiana, Inc., has requested an allocation from the 2003 Ceiling to be used to finance the acquisition, construction, and installation of a mixed income residential housing development located at 1301 Simon Bolivar, New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$15,850,000	Industrial Development Board of the City of New Orleans, Louisiana, Inc.	Guste I, LLC

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 the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before December 19, 2003.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of December, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#069

EXECUTIVE ORDER MJF 03-28

Bond Allocation? Industrial Development
Board of the City of New Orleans, Louisiana, Inc.

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

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2003 (hereafter "the 2003 Ceiling?);
- (2) the procedure for obtaining an allocation of bonds under the 2003 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Industrial Development Board of the City of New Orleans, Louisiana, Inc., has requested an allocation from the 2003 Ceiling to be used to finance the acquisition, construction, and installation of a mixed income residential housing development located at 2135 L.B. Landry Street, New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$18,600,000	Industrial Development Board of the City of New Orleans, Louisiana, Inc.	Fischer III, LLC

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 the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before December 19, 2003.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of December, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#070

EXECUTIVE ORDER MJF 03-29

Bond Allocation? Industrial Development Board of the City of New Orleans, Louisiana, Inc.

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

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

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

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

WHEREAS, the Industrial Development Board of the City of New Orleans, Louisiana, Inc., has requested an allocation from the 2003 Ceiling to be used to finance the acquisition, construction, and installation of a mixed income residential housing development located at 2906 Agriculture Street, New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$19,000,000	Industrial Development Board, of the City of New Orleans, Louisiana, Inc.	Savoy Place Associates Limited Partnership

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 the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before December 19, 2003.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of December, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#071

EXECUTIVE ORDER MJF 03-30

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. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2003 (hereafter "the 2003 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2003 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 2003 Ceiling to be used to finance certain additions and improvements for the Ascension Water Company, which include the consolidation of isolated systems, the addition of extra storage, additions to transmission facilities, and increased pumping facilities, located in the parish of Ascension, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

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

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

Amount of Allocation	Name of Issuer	Name of Project
\$6,000,000	Louisiana Public Facilities Authority	Ascension Water 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 the end of 2003, provided that such bonds are delivered to the initial purchasers thereof on or before December 19, 2003.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of December, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0312#072

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agro-Consumer Services

Metrology Laboratory Fee Structure
(LAC 7:XXXV.125)

The Commissioner of Agriculture and Forestry hereby adopts the following Emergency Rule for the implementation of regulations governing the calibration and registration of taxi meters in accordance with R.S. 3:4622 and the Emergency Rule provisions of R.S. 49:953(B), of the Administrative Procedure Act.

The Louisiana Department of Agriculture and Forestry is the only governmental agency that checks on the accuracy of taxi meters in the state of Louisiana. The fee for registering and inspecting taxi meters has been set at \$15. This fee, however, falls far short of the cost incurred by the department in ensuring the accuracy of taxi meters. The registration and testing of taxi meters is vital and important to the citizens of Louisiana because the registering and testing of taxi meters insures that the public who utilizes taxis are not subjected to fraud and illegal and excessive fares. The people who use taxis are individuals who cannot either afford to own a vehicle of their own or are businessmen and tourists coming into the state.

The department, as a result of state budget deficits and cuts to the department's appropriations, is forced to look for ways to bring its budget in line with current appropriations. Therefore, the department is forced to either cut services, such as calibration of taxi meters or to increase fees to cover the cost of services provided.

If the department ceases to enforce the registration and calibration of register taxi meters, the citizens of the state and visitors to the state who utilize taxi services will be subject to fraud and illegal and excessive fares by taxi operators. In order to protect the public and taxi services from inaccurate fares, it is necessary to immediately increase the fees charged for calibrating and registering taxi meters in Louisiana.

This Rule becomes effective upon signature, December 3, 2003, and will remain in effect 120 days, unless renewed by the Commissioner of Agriculture and Forestry or until permanent Rules are promulgated in accordance with law.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§125. Metrology Laboratory Fee Structure

A. - E. ...

F. The annual fee for registration of taxi meters is \$50.00.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:

Bob Odom
Commissioner

0312#002

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Forestry

Management Service Fees (LAC 7:XXXIX.701)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:4274 and R.S. 3:3, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached rules and regulations for the adjustment of the fee schedule for certain forest management services provided by the Office of Forestry.

Forestry practices, such as prescribed burning, tree planting, and other services are essential tools of forest management that directly affect the health of Louisiana's forests. Prescribed burning, in particular, is critical in order to reduce the risk of hazardous wildfires that destroy forest resources and may also threaten the lives and property of Louisiana citizens. Federal funds have been allocated to Louisiana to provide cost-share assistance to private landowners as a direct incentive for private owners to actively manage their forestlands which will result in improved forest health. The Office of Forestry is a primary provider of these services.

The Office of Forestry must adjust rates for these forest health-related management services to bring the fees in line with actual costs and to end below market rate pricing which has prevented the private sector from being able to offer these services at competitive rates. Adjustment of the Office of Forestry fees, along with new federal cost-share funding, is critical to the creation of a forest management service provider network that can meet the needs of our state's landowners. Failure to adopt this fee schedule will delay or prevent the critical implementation of appropriate forest health practices throughout the state. Therefore, it is imperative that this Emergency Rule be adopted in order to maintain healthy forests, protect lives and property and to otherwise provide for the health, welfare and safety of Louisiana's citizens. This Emergency Rule becomes effective on January 1, 2004 and will remain in effect for 120 days or until permanent through the normal promulgation process.

**Title 7
AGRICULTURE AND ANIMALS**

Part XXXIX. Forestry

Chapter 7. Forest Landowner Assistance

§701. Management Service Fees

A. The Department of Agriculture and Forestry, Office of Forestry, shall, under the direction of the state forester, provide private landowners with assistance in the management of their forestlands.

1. Basic Services. Performed on an as-requested basis in all Office of Forestry districts.

1. Prescribed Burning Services	
a. Reforestation (cutover areas)	\$25/acre plus \$70/hour for fireline establishment \$300 minimum charge
b. Afforestation (pasture, etc.)	\$15/acre plus \$70/hour for fireline establishment. \$300 minimum charge.
c. Helicopter Assisted Burns	\$10/acre plus \$70/hour for fireline establishment. \$300 minimum charge.
d. Other Prescribed Burns (fuel reduction, hardwood control, wildlife habitat, etc.)	\$20/acre \$300 minimum charge.
e. Fireline Plowing Only	\$70/hour \$100 minimum charge.
2. Timber Marking	\$25/acre

2. Special Services. Performed when approved on a case-by-case basis.

1. Tree Planting *	\$46/acre
2. Direct Seeding *	\$10/acre
3. Tractor Work	\$70/hour

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1476 (renumbered R. S. 3:4276) and R. S. 3: 4274 and R.S. 3:3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, LR 8:419 (August 1982), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 11:1178 (December 1985), LR 19:1414 (November 1993), LR 23:553 (May 1997), LR 30:

Bob Odom
Commissioner

0312#001

DECLARATION OF EMERGENCY

**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) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

The Emergency Rules are necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay

in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LASFAC has determined that these Emergency Rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective November 19, 2003, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

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

1. - 6.a. ...

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree at an eligible college or university, 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; or

A.7. - D. ...

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 24:637 (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), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:

Chapter 8. TOPS-TECH Award

§805. Maintaining Eligibility

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

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

2. - 7. ...

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

9. 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. 17:3021-3025, 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 24:1905 (October 1998), amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:

George Badge Eldredge
General Counsel

0312#051

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Notification Requirements for Unauthorized Emissions (LAC 33:I.3925 and 3931)(OS052E1)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality ("department") to use emergency procedures to establish rules, and R.S. 30:2011, the secretary of the department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule.

This is a renewal of Emergency Rule OS052E, which was effective August 12, 2003, and published with a correction in the *Louisiana Register* on September 20, 2003. The department is drafting a rule to promulgate these regulation changes.

In the last two years, the Baton Rouge Nonattainment Area (the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) has experienced exceedances of the one-hour ozone National Ambient Air Quality Standard (NAAQS) promulgated by the United States Environmental Protection Agency (US EPA). These exceedances did not occur during circumstances that typically result in excessive ozone formation and led to ozone readings the Baton Rouge area has not experienced in a decade. The ozone readings for two separate episodes in September 2002 and July 2003 were 164 parts per billion (ppb) and 174 ppb respectively, over 30 percent above the standard. Monitoring results from these exceedances indicate a high rate and efficiency of ozone production, which was limited spatially to the immediate Baton Rouge area. These ozone episodes correspond very well to the kind of episodes that have occurred in the Houston/Galveston areas. The Texas Air Quality Study, conducted in the Houston/Galveston areas, concluded that the reactivity of the hydrocarbons was most often dominated by low molecular weight alkenes and aromatics resulting in explosive ozone formation. Results from computer simulations based on Houston's industrial regions suggest emissions of as little as 100 pounds of light alkenes and aromatics can lead to 50 ppb or greater enhancements of ozone concentrations. Air quality sampling in the Baton Rouge area also showed substantial quantities of the mentioned ozone precursors. Baton Rouge's type of industry (petrochemical plants and refineries) and meteorological conditions are similar enough to Houston to

warrant further investigation. The ozone formation experienced in the Baton Rouge area may similarly be the result of the emissions of "highly reactive" ozone precursors.

The department needs additional information regarding the unauthorized releases of these highly reactive ozone precursors to understand, predict, and prevent further exceedances of the ozone standard. This information is needed immediately to monitor the remainder of the 2003 and the 2004 ozone season in the hopes of achieving attainment of the standard. Facilities are to continue to follow the LAC 33:I.Chapter 39 reporting protocols and, whenever possible, to utilize the new notification procedures found at <http://www.deq.state.la.us/surveillance/irf/forms> and <http://www.deq.state.la.us/surveillance>.

Some revisions have been made to the original Emergency Rule. Additional information is to be included on the written notification report required in LAC 33:I.3925. This information will enhance the investigation of highly reactive VOC that is in progress. The table in LAC 33:I.3931 is being further amended for clarification, and a footnote is revised to clarify that for releases of highly reactive VOC, the lowered Reportable Quantity only applies to releases to the atmosphere.

This Emergency Rule is effective on December 10, 2003, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS052E1, you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter D. Notification Procedures

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

A. - B.3. ...

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

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

b. the permitted release point/outfall ID; and

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

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

B.6. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - A.2. ...

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

Pollutant	CAS No. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	75070	U001	100 ⁺

[See Prior Text in Allyl chlo ride – Antimony*]			
Antimony Compounds	20008		100
Barium*	7440393		100
Barium compounds	20020		100
Biphenyl	92524		100
1-Butanol	71363	U031	5000/1000 [@]
Butenes (all isomers except 1,3 butadiene)	25167673		100 ⁺
n-Butyl alcohol	71363	U031	5000/1000 [@]

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

[See Prior Text in Chlorinated Dibenzo Furans, all isomers - Chromium3 *]			
Chromium compounds	20064		100

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

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

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

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

[See Prior Text in Methanethiol]			
Methyl acrylate	96333		10

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

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

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

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

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

Note * - Note⁴ ...

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

Note[@] ...

⁺ The RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. Jhn the Baptist, Pointe Coupee, and West Feliciana.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Department of Environmental Quality, Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), IR 29:698 (May 2003), LR 30:

L. Hall Bohlinger
Secretary

0312#057

DECLARATION OF EMERGENCY

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

Remediation of Sites with Contaminated Media
(LAC 33:V.109)(HW084E1)

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 HW084, which was effective August 10, 2003, and published in the *Louisiana Register* on August 20, 2003. The department is drafting a Rule to promulgate these regulation changes.

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

This Emergency Rule is effective on December 8, 2003, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning HW084E1 you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality? Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

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

* * *

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

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

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

e. Rebuttable Presumption for Used Oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by using an analytical method from LAC 33:V.Chapter 49.Appendix A to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1).

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

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

3. - 6.b....

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), LR 30:

L. Hall Bohlinger
Secretary

0312#058

DECLARATION OF EMERGENCY

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

Claiming Rule (LAC 35:XI.9905 and 9913)

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., adopts the following Emergency Rule effective August 18, 2003, 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 (1) readopt §9905 to ensure proper timing when claiming a horse, and (2) amend §9913 to protect the successful claimant's ownership at the moment the horse becomes a starter.

Title 35

HORSE RACING

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9905. Timing of Entering Next Claiming Race

Note: This Section is being reinstated; it was repealed in 1996.

A. Except as otherwise provided herein, a claimed horse shall not enter in starter, optional or claiming races for 30 days after being claimed in a race in which the determining eligibility price is less than 25 percent more than the price at which the horse was claimed. The day claimed shall not count, but the following calendar day shall be the first day

and the horse shall be entitled to enter whenever necessary so the horse may start on the 31st day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in other states will be recognized and enforced.

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 30:

§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 paddock, during the race or after. However, 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 infections anemia via a Coggins test. Should this test 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. The expense of the Coggins test and the maintenance of the horse during the period requested for the test shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

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 Office of the Governor, Division of Administration, Racing Commission LR 30:

Charles A. Gardiner III
Executive Director

0312#013

DECLARATION OF EMERGENCY

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

Penalty Guidelines (LAC 35:I.1797)

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., adopts the following Emergency Rule effective December 1, 2003, 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 protect horse owners from inflexibility in penalties (mandatory purse redistribution to be changed to optional) for equine drug violations in classes

4 and 5, particularly when the trainer, not the owner, should be held accountable.

Title 35

HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1797. Penalty Guidelines

A. - B.3. ...

4. Classes IV and V: the trainer may be suspended for a period not more than 60 days and a fine of not less than \$500 nor more than \$1,500, or both, depending on the severity and number of violations occurring within a 12-month period. The purse may be redistributed on referral to the commission at its discretion.

a. On ordinary violation(s) of Classes IV or V within a 12-month period the trainer shall be fined \$500 on the first violation; \$1,000 on the second violation; \$1,000 on the third and subsequent violations and referred to the commission.

b. On extraordinary violation(s) of Classes IV or V in a manner that might affect the performance of a horse within a 12-month period the trainer shall be fined \$1,000 on the first offense; \$1,000 and referred to the commission for further action on second and subsequent violations.

c. On gross violation(s) of Classes IV or V in a manner that intends to affect the performance of a horse the trainer shall be fined not less than \$1,000 and referred to the commission for further action.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 19:613 (May 1993), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002), LR 30:

Charles A. Gardiner III
Executive Director

0312#014

DECLARATION OF EMERGENCY

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

**Durable Medical Equipment Program
Motorized Wheelchairs**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for manual and motorized

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

Emergency Rule

Recipient Criteria

A. Motorized Wheelchairs

1. For purposes of this rule, the term motorized shall have the same meaning as power, electric or any means of propulsion other than manual. Effective for dates of service on or after January 18, 2004, the recipient must meet all of the following criteria in order to be considered for a motorized wheelchair:

- a. the recipient must be non-ambulatory and have severe weakness of the upper extremities due to a neurological or muscular disease/condition;
- b. the recipient's condition is such that without the use of a wheelchair, he/she would otherwise be bed or chair confined;
- c. the recipient's condition is such that a wheelchair is medically necessary and he/she is unable to operate a wheelchair manually; and
- d. the recipient is capable of safely operating the controls for a motorized wheelchair.

Prior Authorization

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

1. a completed PA-01 form;
2. a physician's prescription for the wheelchair. The physician must specifically state whether the prescription is for a motorized wheelchair or a custom motorized wheelchair. Medical documentation from a physician is required to support the modifications for wheelchairs with specialized seating or individualized features;
3. a seating evaluation performed in cooperation with a physical therapist or occupational therapist. The seating evaluation must include the following documentation:
 - a. the appropriateness of the specific wheelchair requested and all modifications and/or attachments to the specific wheelchair and its ability to meet the recipient's long-term medical needs. Options that are primarily beneficial in allowing the recipient to perform leisure or recreational activities are not covered;
 - b. documentation that the recipient does not have the upper extremity function necessary to operate a manual wheelchair; and
 - c. the dated signature of the physician who prescribed the motorized wheelchair and the dated signature of the physical or occupational therapist that participated in the seating evaluation;
4. documentation that the recipient can safely operate the controls for a motorized wheelchair;
 - a. the ability to safely operate the controls of a motorized wheelchair shall be verified by the notes and

recommendation of the recipient's physician, physical therapist, or occupational therapist;

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

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

B. A motorized wheelchair is covered if the recipient's condition is such that the requirement for a motorized wheelchair is long term (at least six months). Approval will be made for only one wheelchair at a time. Backup chairs, either motorized or manual, will be denied as not medically necessary.

Repairs

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

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.

David W. Hood
Secretary

0312#083

DECLARATION OF EMERGENCY

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

Early Periodic Screening, Diagnosis and Treatment
KidMed Services
(LAC 50:XV.6701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adopts LAC 50:XV.6701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides reimbursement for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) KidMed Services under the Medicaid Program. The administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires national standards for electronic health care transactions and national identifiers for providers, health plans, and employers

(Federal Register, Volume 65, Number 160). In compliance with HIPAA requirements, the Bureau proposes to promulgate an emergency rule to require Medicaid providers performing EPSDT preventive screening services to submit specific information regarding KidMed services.

This action is being taken to avoid federal sanctions by complying with the mandates of the Health Insurance Portability and Accountability Act. It is estimated that implementation of this Emergency Rule will be revenue neutral for state fiscal year 2003-2004.

Effective December 20, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following procedures for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) KidMed Services in order to conform to HIPAA requirements.

Title 50

PUBLIC HEALTH? MEDICAL ASSISTANCE

Part XV. Services for Special Populations

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

Chapter 67. KidMed

§6701. General Provisions

A. All providers of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) preventive screening services shall be required to submit information to the Medicaid Program regarding recipient immunizations, referrals and health status.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:

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

David W. Hood
Secretary

0312#081

DECLARATION OF EMERGENCY

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

Medicaid Eligibility? Medically Needy
Program? Incurred Deductions

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 2002-2003 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid Program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish

these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

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

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

Emergency Rule

Effective for applications filed on or after December 30, 2003, and those cases in which the eligibility renewal is due on or after January 1, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing deductions for incurred medical expenses in the eligibility determination process for the Medically Needy Program. Those bills for necessary medical and remedial services furnished more than three months before the Medicaid application is filed or for renewals more than three months before the first month of a new budget period or quarter of coverage will be excluded as an incurred expense. Current payments on excluded expenses will be allowed as an incurred expense.

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

Interested persons may submit written comments to Ben A. Bearden at Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible

for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0312#084

DECLARATION OF EMERGENCY
Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Non-Emergency Medical Transportation
Services? Reimbursement Methodology

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

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

As a result of the allocation of additional funds by the Legislature during the 2003 Regular Session, the bureau increased the reimbursement fees for certain designated procedures (*Louisiana Register*, Volume 29, Number 7). The bureau subsequently promulgated an Emergency Rule to clarify provisions contained in the August 1, 2003 Emergency Rule (*Louisiana Register*, Volume 29, Number 9). This Emergency Rule is being promulgated to continue the provisions contained in the September 12, 2003 Rule. This action is necessary to avoid a budget deficit in the medical assistance programs that could result from the failure to clarify the intent of the reimbursement changed in the August 1, 2003 Emergency Rule.

Emergency Rule

Effective for dates of service on or after January 11, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the August 1, 2003 Emergency Rule to clarify the intent of provisions contained in the Emergency Rule. Non-emergency medical transportation provided by friends and family is not included in the August 1, 2003 reimbursement increase. These services shall continue to be reimbursed at rates in effect on July 31, 2003.

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

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 all inquiries regarding this Emergency Rule. A

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

David W. Hood
Secretary

0312#085

DECLARATION OF EMERGENCY
Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Professional Services Program
Physician Services
Reimbursement Increase

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPC). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the Bureau restored a seven percent reduction to the reimbursement rates for selected locally assigned HCPCS and specific CPT-4 procedure codes. In addition, the reimbursement fees for certain CPT-4 designated procedure codes were increased (*Louisiana Register*, Volume 27, Number 5). The bureau subsequently promulgated a rule to increase the reimbursement for certain designated CPT procedure codes related to speciality services (*Louisiana Register*, Volume 28, Number 8). As a result of the allocation of additional funds by the Legislature during the 2003 Regular Session, the bureau has determined it is necessary to increase reimbursement for selected CPT surgical and medical codes. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Professional Services Program and recipient access to providers of these medically necessary services. It is estimated that implementation of this Emergency Rule will increase expenditures for physician services by approximately \$2,500,000 for state fiscal year 2003-2004.

Emergency Rule

Effective for dates of service on or after January 1, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement paid to physicians for surgical and medical services provided to Medicaid recipients.

Pediatric Surgery Services

A. Services include selected surgery services provided by the primary servicing physician to Medicaid recipients from 11 through 15 years of age. Physicians' Current Procedural Terminology (CPT) surgical procedure codes (10021-69990) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status, procedure codes for deliveries (59410) and (59415) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

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

Pediatric Medical Services

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

Implementation of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0312#082

DECLARATION OF EMERGENCY

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

Public Nursing Facilities' Reimbursement Methodology (LAC 50:VII.1309)

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

Act 694 of the 2001 Regular Session of the Louisiana Legislature mandated that the Department of Health and Hospitals establish a case-mix reimbursement methodology for nursing homes. In accordance with Act 694, the bureau repealed the June 20, 1984 Rule and established a new reimbursement methodology based on a case-mix

price-based reimbursement system for private and public nursing facilities (*Louisiana Register, Volume 28, Number 8*). The department subsequently promulgated an Emergency Rule revising the reimbursement methodology for state-operated nursing facilities in order to reimburse these facilities in accordance with the Medicare upper payment limit (*Louisiana Register, Volume 28, Number 11*). The bureau amended the provisions contained in the August 20, 2002 Rule governing the reimbursement methodology for public nursing facilities. In addition the bureau repealed the October 14, 2002 Emergency Rule (*Louisiana Register, Volume 29, Number 1*).

This action is being taken to enhance federal revenue. This Emergency Rule is being promulgated to continue the provisions contained in the January 1, 2003 Rule.

Effective for dates of services on or after December 30, 2003, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the October 14, 2002 Emergency Rule and amends the provisions contained in the August 20, 2002 Rule governing the reimbursement methodology for public nursing facilities.

Title 50

PUBLIC HEALTH? MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1309. State-Owned or Operated and Nonstate Government-Owned or Operated Facilities

A. Nonstate government-owned or operated nursing facilities will be paid a prospective reimbursement rate. Each facility will receive a Medicaid base rate calculated in accordance with other sections of this Rule. Nonstate government-owned or operated nursing facilities may also receive a supplemental Medicaid payment on a quarterly basis. The aggregate supplemental payments for these facilities, calculated on a quarterly basis, will be the state's best estimate of what nonstate government-owned or operated facilities would be paid under Medicare's prospective payment system for skilled nursing facilities less the aggregate Medicaid base payments for these facilities. The acuity measurements used in the supplemental Medicaid payment calculations will be the acuity of each facility's Medicaid residents, as determined under Medicare's 44 RUG classification methodology. Adjustments to the aggregate supplemental Medicaid payments will be made to account for differences in coverage between the Medicare and Medicaid programs.

B. State-owned or operated nursing facilities will be paid a prospective reimbursement rate. The payment rate for each of these facilities will be calculated on a quarterly basis and shall be the greater of the state's best estimate of what the facility would be paid under Medicare prospective payment system for skilled nursing facilities or the nursing facility's allowable cost from the most recent filed Medicaid cost report trended forward to the midpoint of the rate year using the index factor. The acuity measurements used in the quarterly rate calculations will be the acuity of each facility's Medicaid residents, as determined under Medicare's 44 RUG classification methodology. Adjustments to these gross Medicare prospective payment rates will be made to account for differences in coverage between the Medicare and Medicaid programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1475 (June 2002), repromulgated LR 28:1793 (August 2002), amended LR 30:

Implementation of the provisions of this Emergency Rule shall be delayed until January 31, 2003 and will be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

David W. Hood
Secretary

0312#086

DECLARATION OF EMERGENCY

Department of Revenue Tax Commission

Ad Valorem Taxation

(LAC 61.V.303, 309, 703, 907, 1103, 1503, 2503, 2703, 2705, 2707, 2711, 2713, 2717, 3101, 3105, and 3501)

The Louisiana Tax Commission, at its meeting of August 25, 2003, 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, 2004. Cost indexes required to finalize these assessment tables are not available to this office until late October 2003. The effective date of this Emergency Rule is January 1, 2004.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 3. Real and Personal Property

§303. Real Property

A. - B. ...

1. Improvements shall be added to the rolls based upon the condition of things existing on January 1 of each year (except Orleans Parish). New improvements for Orleans Parish shall be added to the next year's tax roll, based upon the condition of things existing on August 1 of each year. Value of the improvements will be indexed to the date of the last reappraisal.

B.2. - D. ...

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

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December

1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:

§309. Tax Commission Miscellaneous Forms

A. - C. ...

D. TC Forms C01, C02, C03, C04A and C04B, should be used to electronically process change order requests submitted by tax assessor's offices.

1. All change order forms TC-21, Alpha 4 (Electronic), and/or LTC web site format shall be submitted in accordance with the provisions of Title 47, Sections 1835, 1966, 1990 and 1991. The assessor shall provide each affected taxpayer with a copy of any change order that has been issued.

E. - F. ...

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 2003), LR 30:

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
2003	.995	1	94	.94
2002	1.012	2	87	.88
2001	1.018	3	80	.81
2000	1.027	4	73	.75
1999	1.045	5	66	.69
1998	1.048	6	58	.61
1997	1.057	7	50	.53
1996	1.074	8	43	.46
1995	1.091	9	36	.39
1994	1.130	10	29	.33
1993	1.162	11	24	.28
1992	1.184	12	22	.26
1991	1.199	13	20	.24

B. Floating Equipment? Barges (Non-Motorized)

Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2003	.995	1	97	.97
2002	1.012	2	93	.94
2001	1.018	3	90	.92
2000	1.027	4	86	.88
1999	1.045	5	82	.86
1998	1.048	6	78	.82
1997	1.057	7	74	.78
1996	1.074	8	70	.75
1995	1.091	9	65	.71
1994	1.130	10	60	.68
1993	1.162	11	55	.64
1992	1.184	12	50	.59
1991	1.199	13	45	.54
1990	1.223	14	40	.49
1989	1.256	15	35	.44
1988	1.323	16	31	.41

1987	1,379	17	27	.37
1986	1,399	18	24	.34
1985	1,413	19	22	.31
1984	1,434	20	21	.30
1983	1,473	21	20	.29

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:

Chapter 9. Oil and Gas Properties

§907. Tables—Oil and Gas

A. ...

1. Oil, Gas and Associated Wells; Region 1 North Louisiana

Producing Depths	Cost – New By depth, per foot		15% of Cost - New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	13.61	38.78	2.04	5.82
1,250 – 2,499 ft.	13.54	22.68	2.03	3.40
2,500 – 3,749 ft.	16.46	20.35	2.47	3.05
3,750 – 4,999 ft.	20.09	25.06	3.01	3.76
5,000 – 7,499 ft.	25.20	25.01	3.78	3.75
7,500 – 9,999 ft.	35.74	35.38	5.36	5.31
10,000 – 12,499 ft.	47.55	44.67	7.13	6.70
12,500 – Deeper ft.	N/A	77.26	N/A	14.59

2. Oil, Gas and Associated Wells Region 2 South Louisiana

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	66.58	92.73	9.99	13.91
1,250 – 2,499 ft.	66.22	124.84	9.93	18.73
2,500 – 3,749 ft.	73.23	102.78	10.98	15.42
3,750 – 4,999 ft.	47.12	76.04	7.07	11.41
5,000 – 7,499 ft.	75.30	73.24	11.30	10.99
7,500 – 9,999 ft.	88.46	77.47	13.27	11.62
10,000 – 12,499 ft.	96.34	87.88	14.45	13.18
12,500 – 14,999 ft.	92.51	108.85	13.88	16.33
15,000 – 17,499 ft.	142.72	135.14	21.41	20.27
17,500 – 19,999 ft.	109.17	164.69	16.38	24.70
20,000 – Deeper ft.	163.52	243.97	24.53	36.60

3. Oil, Gas and Associated Wells; Region 3? Offshore State Waters*

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	N/A	N/A	N/A	N/A
1,250 – 2,499 ft.	363.54	494.92	54.53	74.24
2,500 – 3,749 ft.	272.56	369.11	40.88	55.37
3,750 – 4,999 ft.	279.91	406.55	41.99	60.98
5,000 – 7,499 ft.	231.95	239.64	34.79	35.95
7,500 – 9,999 ft.	224.79	214.19	33.72	32.13

10,000 – 12,499 ft.	229.55	220.43	34.43	33.06
12,500 – 14,999 ft.	227.13	209.90	34.07	31.49
15,000 – 17,499 ft.	189.70	243.52	28.46	36.53
17,500 – Deeper ft.	N/A	310.10	N/A	46.52

*As classified by Louisiana Office of Conservation.

B. - B.1. ...

2. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
2003	227742	Higher	96
2002	226717	227741	92
2001	225352	226716	88
2000	223899	225351	84
1999	222882	223898	80
1998	221596	222881	76
1997	220034	221595	72
1996	218653	220033	68
1995	217588	218652	64
1994	216475	217587	60
1993	215326	216474	56
1992	214190	215325	52
1991	212881	214189	48
1990	211174	212880	44
1989	209484	211173	40
1988	207633	209483	36
1987	205211	207632	32
1986	Lower	205210	30*
VAR.	900000	Higher	50

*Reflects residual or floor rate.

3. Adjustments for Allowance of Economic Obsolescence

a. All wells producing 10 bbls oil or 100 mcf gas, or less, per day, as well as, all active service wells (i.e. injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with proper documentation to claim this reduction.

B.3.b. - C.6. ...

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:

Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Depth "0" To 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	351,200	52,700
4,000	422,000	63,300
5,000	502,500	75,400
6,000	583,000	87,500
7,000	762,500	114,400

Depth 8,000 To 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	975,000	146,300
9,000	1,209,500	181,400
10,000	1,510,000	226,500
Depth 11,000 To 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,810,500	271,600
12,000	1,934,000	290,100
13,000	1,998,500	299,800
14,000	2,167,200	325,100
15,000	2,648,500	397,300
Depth 16,000 To 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,129,000	469,400
17,000	3,612,900	541,900
18,000	4,096,600	614,500
19,000	4,525,500	678,800
20,000	4,790,000	718,500
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	5,054,500	758,200
25,000 +	6,112,500	916,900

B. Jack-Ups

Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 13,500,000	\$ 2,025,000
	200-299 FT.	20,000,000	3,000,000
	300- Up FT.	50,000,000	7,500,000
IS	0-199 FT.	15,000,000	2,250,000
	200-299 FT.	25,000,000	3,750,000
	300- Up FT.	30,000,000	4,500,000
MC	0-199 FT.	5,000,000	750,000
	200-299 FT.	10,000,000	1,500,000
	300- Up FT.	20,670,000	3,100,500
MS	0-249 FT.	10,500,000	1,575,000
	250- Up FT.	20,670,000	3,100,500

C. ...

D. Well Service Rigs Land Only (Good Condition)

Class	Mast	Engine	Fair Market Value	Assessment
I	72' X 125M# 75' X 150M#	6V71	161,875	24,280
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	8V71	210,875	31,600

III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	8V92	209,125	31,400
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	12V71	259,875	39,000
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	12V71 12V92	285,250	42,800
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	12V71 (2) 8V92	329,875	49,500
VII	117' X 215M#	(2) 8V92 (2) 12V71	422,625	63,400

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.

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:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Year	Cost Index (Average)	Average Economic Life (10 Years)		
	Index	Effective Age	Percent Good	Composite Multiplier
2003	.995	1	92	.92
2002	1.012	2	84	.85
2001	1.018	3	76	.77
2000	1.027	4	67	.69
1999	1.045	5	58	.61
1998	1.048	6	49	.51
1997	1.057	7	39	.41
1996	1.074	8	30	.32
1995	1.091	9	24	.26
1994	1.130	10	21	.24
1993	1.162	11	20	.23

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:

Chapter 25. General Business Assets

§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. ...

* * *

B. Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2003 = 100*
2003	1	1118.6	.995
2002	2	1100.0	1.012
2001	3	1093.4	1.018
2000	4	1084.3	1.027
1999	5	1065.0	1.045
1998	6	1061.8	1.048
1997	7	1052.7	1.057
1996	8	1036.0	1.074
1995	9	1020.4	1.091
1994	10	985.0	1.130
1993	11	958.0	1.162
1992	12	939.8	1.184
1991	13	928.5	1.199
1990	14	910.2	1.223
1989	15	886.5	1.256
1988	16	841.4	1.323
1987	17	806.9	1.379
1986	18	795.4	1.399
1985	19	787.9	1.413
1984	20	776.4	1.434
1983	21	755.8	1.473
1982	22	742.4	1.499
1981	23	709.2	1.570
1980	24	642.8	1.732
1979	25	584.4	1.905
1978	26	534.7	2.082

*Reappraisal Date: January 1, 2003 – 1113.1 (Base Year)

C. ...

D. Composite Multipliers 2004 (2005 Orleans Parish)

Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.70	.85	.90	.92	.94	.95	.97	.98
2	.50	.70	.80	.85	.88	.91	.94	.96
3	.35	.53	.68	.77	.81	.87	.92	.95
4	.21	.35	.55	.69	.75	.81	.88	.92
5		.24	.45	.61	.69	.76	.86	.91
6		.21	.35	.51	.61	.71	.82	.88
7			.27	.41	.53	.66	.78	.86
8			.24	.32	.46	.59	.75	.84
9			.22	.26	.39	.53	.71	.82
10				.24	.33	.49	.68	.80
11				.23	.28	.43	.64	.79
12					.26	.37	.59	.76
13					.24	.31	.54	.72
14						.28	.49	.68
15						.26	.44	.65
16						.26	.44	.64
17							.37	.61
18							.34	.55
19							.31	.48
20							.30	.43
21							.29	.38
22								.34
23								.33
24								.35
25								.38
26								.42

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:

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2703. Eligibility Requirements and Application for Use Value Assessment

A. ...

1. meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950 and the eligibility requirements of R.S. 47:2303; and

A.2 - B.1. ...

2. the landowner must sign an agreement that the land will be devoted to one or more of the designated uses as defined in Section 2302 of Title 47 of the Louisiana Revised Statutes of 1950 and meet the eligibility requirements of R.S. 47:2303.

C. ...

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 25:318 (February 1999), LR 26:510 (March 2000), LR 30:

§2705. Classification

A. - B. ...

Vernon

C. ...

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), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:

§2707. Map Index Table

A. Listing of General Soil Maps and Modern Soil Surveys for the State of Louisiana Published by U.S. Dept. of Agriculture, Natural Resources Conservation Service in Cooperation with Louisiana Agricultural Experiment Station

Parish	Date (General)	Map No. (General)	Date Published or Status(Modern)

Bienville	Nov., 1971	4-R-16791-B	August, 2003

Jeff Davis	Jan., 1970	4-R-28746-A	September, 2003

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (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 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:

§2711. Tables? Agricultural and Horticultural Lands

A. Weighted Average Income Per Acre 1999 - 2002

Commodity	Acres	Percent	Net Income	Weighted Fractional
Beef **	2,335,838	37.298	(27.22)	-0-
Soybeans (Wheat) *	845,000	13.493	(16.36)	-0-
Cotton	678,750	10.838	(44.37)	-0-
Rice (Crawfish) *	548,250	8.754	69.19	605.67
Sugarcane	456,250	7.285	205.39	1,496.33
Corn	403,750	6.447	(43.67)	-0-
Idle Crop ***	362,516	5.789		-0-
Grain Sorghum	217,500	3.473	(10.90)	-0-
Conservation Reserve	200,899	3.208	43.73	140.29
Dairy **	171,466	2.738	(126.61)	-0-
Sweet Potatoes	23,500	0.375	210.87	79.13

Commodity	Acres	Percent	Net Income	Weighted Fractional
Catfish	13,466	0.215	(72.71)	-0-
Watermelon	2,975	0.047	(292.79)	-0-
Southern Peas	1,561	0.025	341.93	8.52
Tomatoes	562	0.009	10,841.73	97.21
Strawberries	388	0.006	9,779.33	60.51
Total	6,262,669	100.000	---	2,487.65

Weighted Average Net Income - \$24.88

B. Suggested Capitalization Rate for Agricultural and Horticultural Lands

Risk Rate	1.86%
Illiquidity Rate	0.09%
Safe Rate *	5.68%
Capitalization Rate **	7.63%

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:

§2713. Assessment of Timberland

A. - C.4. ...

D. Production Costs of Timberland. The average timberland production costs are hereby established to be \$10.46/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be \$0.81/cubic/foot.

F. Capitalization Rate for Timberland. The capitalization rate for determining use value of timberlands is hereby established to be as follows.

Timberland	Class 1, 2, and 3	Class 4
Risk Rate	0.97%	4.47%
Illiquidity Rate	0.10%	3.60%
Safe Rate	5.68%	5.68%
Other Factors	5.55%	5.55%
Capitalization Rate	12.30%	19.30%

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:

§2717. Tables? Use Value

A. Average Assessed Value Per Acre of Agricultural and Horticultural Land, by Class

Class	Assessed Value	
	Per Acre Upper	Per Acre Lower
Class I	\$34.79	\$29.40
Class II	\$29.19	\$21.94
Class III	\$21.52	\$19.04
Class IV	\$18.62	\$12.40

B. Average Assessed Value Per Acre of Timberland, by Class

Class	Assessed Value Per Acre
Class 1	\$40.52
Class 2	\$29.34
Class 3	\$13.95
Class 4	\$8.89

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:

Chapter 31. Public Exposure of Assessments; Appeals §3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. - J. ...

Form 3101

Exhibit A

Appeal to Board of Review

By Taxpayer

For Real and Personal Property

I feel that the Fair Market Value of this real property as of January 1, 2003, the official reappraisal valuation date on which assessments are currently based was:

Form 3103.A

Exhibit A

Appeal To Louisiana Tax Commission

By Taxpayer or Assessor

For Real and Personal Property

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, 2003, the official reappraisal valuation date on which assessments are based, was:

* * *

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:

§3105. Practice and Procedure for Public Service Properties Hearings

A. - S. ...

Form 3105.A

Exhibit A

Appeal To Louisiana Tax Commission

By Taxpayer or Assessor

For Public Service Property

* * *

I feel that the Fair Market Value of this real property, as of January 1, 2003, the official reappraisal valuation date on which assessments are currently based, was:

* * *

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:

Chapter 35. Miscellaneous

§3501. Service Fees? Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 2003 and ending on June 30, 2004, in connection with services performed by the Tax Commission as follows:

* * *

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:

Russell R. Gaspard
Chairman

0312#103

DECLARATION OF EMERGENCY

**Department of Treasury
Board of Trustees of the
Louisiana State Employees' Retirement System**

Self-Directed Plan (LAC 58:I.Chapter 39)

Under the authority of R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") advertises its intent to enact LAC 58:I.3901 through 3931.

This emergency enactment is made necessary by the passage into law of Act 818 of the Regular Session of the Louisiana Legislature. That Act established the Self-Directed Plan ("SDP"), a new form of the Deferred Retirement Option Plan ("DROP") already administered by LASERS. Act 818 becomes effective January 01, 2004. These Rules are necessary to complete the implementation of the SDP.

This Rule shall become effective on January 01, 2004, and shall remain in effect for 120 days.

Title 58

RETIREMENT

Part I. State Employees' Retirement

Chapter 39. The Self-Directed Plan

§3901. SDP Provider

A. System shall procure a single provider, selected by a competitive process, for participants in the Self-Directed Plan ("SDP") to utilize in providing investment options for the deposits made during the accumulation period in the Deferred Retirement Option Plan ("DROP") or funds acquired through the Initial Benefit Option ("IBO").

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3903. Persons Vesting for DROP Prior to January 01, 2004

A. Persons who became eligible for regular retirement prior to January 01, 2004 are eligible for participation in the SDP. Those persons may make an irrevocable election to transfer their DROP funds into the SDP. The DROP or IBO participants electing to transfer their funds into the SDP must transfer their entire DROP or IBO balance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3905. Eligibility for Transfer of Funds into SDP

A. The only funds which may be transferred into the SDP are LASERS DROP or IBO funds. Transfers or rollovers from other sources shall not be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3907. Rollovers Out of SDP to Other Providers

A. At all times after becoming eligible to withdraw funds from the SDP, DROP participants may elect to rollover funds to eligible providers. Such rollovers shall be subject to applicable Federal laws and the terms of the SDP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3909. Right to Recover Overpayments

A. In the event of overpayment of funds are made by LASERS, then LASERS retains the ability at all times to recall funds from member at provider or to reduce future benefits pursuant to R.S. 11:192 to recover any such overpayment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3911. Time to Transfer Funds

A. LASERS shall forward the entire deposit balance of a participant to the third party administrator within five working days from the end of the DROP accumulation period. LASERS may supplement or otherwise correct balances forwarded in those instances where there are errors, missing documents or incomplete reports submitted by agencies reporting earnings for the participant.

B. For participants in the Initial Benefit Option ("IBO") or for those DROP participants whose accumulation period is less than six months, LASERS shall transfer 80 percent of the DROP/IBO balance within 45 days from the date of initial transfer into the SDP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3913. Spousal Consent

A. LASERS may halt the processing of a participant's request to enter the SDP until any spousal consent form required by law or proof of divorce has been presented to the system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3915. Completion of Notification Form

A. All DROP participants shall complete and submit a form (#9-2 or #9-2a) to inform LASERS that they are ending the accumulation period. This form shall be submitted at least 30 days prior to that date. Failure to submit this form could result in delaying access to DROP funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3917. Distributions

A. Distributions shall be in accordance with the provisions of Title 58, Part I, Chapter 27 of the Louisiana Administrative Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3919. No In-Service Distribution

A. Distributions prior to the date of termination from employment with the state of Louisiana are strictly prohibited in accordance with applicable Internal Revenue Code Provisions. The selected provider shall not make a distribution without a verification of termination from LASERS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3921. Civil Service Reinstatement

A. DROP participants who have been removed from state employment, then reinstated pursuant to a ruling by the Civil Service board, shall immediately notify LASERS in writing of their reinstatement, along with a projected date of retirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3923. Beneficiary

A. Each participant shall initially designate a beneficiary or beneficiaries to receive any amounts which may be distributed in the event of the death of the participant prior to the complete distribution of benefits. A participant may change the designation of beneficiaries at any time by filing a written notice on a form approved by LASERS. If no such designation is in effect at the time of participant's death, or if the designated beneficiary does not survive the participant by 30 days, his beneficiary shall be his surviving spouse, if any, and then his estate

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3925. Investment Options

A. LASERS shall in its sole discretion select certain investment options to be used to determine income to be accrued on deferrals. These investment options may include specified life insurance policies, annuity contracts, or investment media issued by an insurance company. In any event, it shall be the sole responsibility of LASERS to ensure that all investment options offered under the plan are appropriate and in compliance with any and all state laws pertaining to such investments.

B. In the absence of a written directive from the participant, the provider shall automatically invest the participant's DROP funds in its discretion in an appropriate interim investment until specific investment directions are

received. Such instructions regarding the delegation of investment responsibility shall remain in force until revoked or amended in writing by the participant. LASERS shall not be responsible for the propriety of any directed investment.

C. LASERS may, from time to time, change the investment options under the plan. If LASERS eliminates a certain investment option, all participants who had chosen that investment shall select another option. If no new option is selected by the participant, money remaining in the eliminated investment option shall be moved at the direction of LASERS. The participants shall have no right to require LASERS to select or retain any investment option. To the extent permitted by and subject to any rules or procedures adopted by the administrator, a participant may, from time to time, change his choice of investment option. Any change with respect to investment options made by LASERS or a participant, however, shall be subject to the terms and conditions (including any rules or procedural requirements) of the affected investment options and may affect only income to be accrued after that change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3927. Participant Investment Direction

A. Participants shall have the option to direct the investment of their personal contributions and their share of any employer contributions among alternative investment options established as part of the overall SDP, unless otherwise specified by LASERS. A participant's right to direct the investment of any contribution shall apply only to making selections among the options made available under the SDP.

B. Each participant shall designate on the proper form or via website or telephone direction the investment that shall be used to determine the income to be accrued on amounts deposited. If the investment chosen by the participant experiences a gain, the participant's benefits under the SDP likewise shall reflect income for that period. If the investment chosen by a participant experiences a loss, or if charges are made under such investment, the participant's benefits under the SDP likewise shall reflect such loss or charge for that period.

C. Neither the state of Louisiana, LASERS, the administrator, nor any other person shall be liable for any losses incurred by virtue of following the participant's directions or with any reasonable administrative delay in implementing such directions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3929. Distributions from the Plan

A. The payment of benefits in accordance with the terms of the plan may be made by the trustee, or by any custodian or other person so authorized by LASERS to make such distribution. Neither LASERS, the trustee nor any other person shall be liable with respect to any distribution from the plan made at the direction of the employer or a person authorized by the employer to give disbursement direction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

§3931. Disclaimer

A. LASERS makes no endorsement, guarantee or any other representation and shall not be liable to the plan or to any participant, beneficiary, or any other person with respect to:

1. the financial soundness, investment performance, fitness, or suitability (for meeting a participant's objectives, future obligations under the plan, or any other purpose) of any investment option in which amounts deferred under the plan are actually invested; or

2. the tax consequences of the plan to any participant, beneficiary or any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 30:

Robert L. Borden
Executive Director

0312#067

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2003 Fall Commercial Red Snapper 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 9, 2003, to close the 2003 fall commercial red snapper season in Louisiana state waters when he is informed that the designated portion of the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, the Secretary hereby declares:

Effective 12 noon, December 7, 2003, the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12 noon, February 1, 2004. Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen. Effective with any commercial closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, whether taken from within or without Louisiana territorial waters. Provided however that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6 are

properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

The secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in Federal waters of the Gulf of Mexico will close at 12 noon, December 7, 2003. Closing the season in State waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

James H. Jenkins, Jr.
Secretary

0312#005

DECLARATION OF EMERGENCY

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

Little Lake Temporary Natural Reef

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and in accordance with R.S. 56:6(12) and R.S. 56:433, the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries continue to declare and designate those water bottoms of Little Lake and vicinity in Jefferson and Lafourche Parishes more specifically described below to be a designated temporary natural reef. This area was originally declared as such at the August 6, 2003 Wildlife and Fisheries Commission meeting through a Declaration of Emergency.

Inasmuch as the Davis Pond Freshwater Diversion is anticipated to resume normal operations within 6 months, standard rulemaking procedures and timeframes would leave little, if any, time for an orderly and efficient harvest of this resource. Therefore, the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries continue to hereby declare the water bottoms of Little Lake and vicinity in Jefferson and Lafourche parishes as described below a designated temporary natural reef:

Beginning at the point on the western bank of the Barataria Waterway, latitude of 29° 34' 40" North, longitude 90° 03' 35.070" West; thence southerly along the western bank of the Barataria Waterway to a point, latitude 29° 30' 27.226" North, longitude 90° 01' 25.438" West; thence southwesterly to a point, latitude 29° 26' 37.361" North, longitude 90° 07' 26.119" West; thence northwesterly to a point, latitude 29° 28' 50.000" North, longitude 90° 11' 40.000" West; thence North to a point, latitude 29° 34'

40.000" North, longitude 90° 11' 40.000" West; thence East to the point of beginning.

All statutes, regulations, and policies pertaining to the use of public oyster grounds will be in force in this temporary natural reef with the exception of any additional mitigation requirements levied from time to time for construction, oil and gas exploration, or pipeline construction activities.

This Declaration of Emergency will become effective on January 1, 2004, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until revocation by the commission and the department.

Terry D. Denmon
Chairman

0312#004

DECLARATION OF EMERGENCY

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

Spotted Seatrout Recreational Harvest

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set size limits for saltwater finfish, and R.S. 56:325.1(A)2 and B; the Wildlife and Fisheries Commission hereby adds the following rule for the recreational harvest of spotted seatrout to be effective 12:01 a.m., Monday, December 29, 2003:

Except as provided in R.S. 56:325.1, within those areas of the state, including coastal territorial waters, south of Interstate 10 from its junction at the Texas-Louisiana boundary eastward to its junction with Louisiana Highway 171, south to Highway 14, and then south to Holmwood, and then south on Highway 27 through Gibbstown south to Louisiana Highway 82 at Creole and south on Highway 82 to Oak Grove, and then due south to the western shore of the Mermentau River, following this shoreline south to the junction with the Gulf of Mexico, and then due south to the limit of the state territorial sea, no person shall possess, regardless of where taken, more than five spotted seatrout exceeding 25 inches total length. The spotted seatrout exceeding 25 inches in length shall be considered as part of the daily recreational bag limit and possession limit.

Terry D. Denmon
Chairman

0312#003

Rules

RULE

Department of Agriculture and Forestry Seed Commission

Fees; Penalties; Adjudicatory Hearings
(LAC 7:XIII.113, 115, 143 and 153)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Louisiana Seed Commission, has amended regulations regarding seed license fees, laboratory fees, inspection fees on agricultural seed and penalties.

Louisiana is experiencing an unprecedented shortfall in state finances. The legislature has cut the department's budget; therefore, using other department funds to cover the deficit of the Seed Commission is not a continuing option. The fiscal year begins on the first of July. The department must implement these regulations to insure that programs that begin in July will be adequately funded for the 2003-2004 fiscal year. Adoption of these Rules will take place in accordance with the Administrative Procedure Act.

These Rules are enabled by R.S. 3:1433.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. Louisiana Seed Law

§113. License Fee; Laboratory Fees

A. The annual fee for a seed dealer's license shall be \$75.

B. The following laboratory fees shall be applicable to all seed testing conducted by this department:

1. standard germination test only, purity test only or noxious weed examination only: \$8 each (except grasses, mixtures and seed containing high inert: \$16 each);
2. complete test (purity and germination): \$14 each (except grasses, mixtures and seed containing higher inert: \$24 each);
3. Accelerated Aging: \$12 each;
4. Texas Cool Test: \$16 each;
5. Tetrazolium: \$20 each; and
6. Examination of 4-pound rice seed sample for presence of red rice: \$10;
7. Varietal Purity \$12;
8. Priority Sample \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 7:164 (April 1981), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 14:603 (September 1988), LR 29:2632 (December 2003).

§115. Inspection Fees on Agricultural Seed

A. In addition to the requirements of the Act, any person who sells, distributes, or offers or handles for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following.

1. All seed dealers shall pay an inspection fee of \$0.20 for each 100 pounds of agricultural seed sold, offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The inspection fee shall be due on the total pounds of first point of sales distributions in Louisiana by the seller of the seed.

Exception: The payment of an inspection fee is not required for a person who offers for sale, sells, or distributes Louisiana certified tagged seed upon which inspection fees have already been paid.

2. Records must be kept by the seed dealer showing the total pounds of each lot identified as to the kind and variety (when applicable). In addition, for auditing purposes, records must be kept by the seed dealer showing the invoice number for each distribution of seed, identified with the name of the kind and variety (when applicable), the lot number, pounds of seed, and number of containers of seed, and the person, to whom the seed was distributed.

3. Each seed dealer shall file with the department a quarterly report (supplied by the department) covering the following periods: 1st quarter? July, August, September; 2nd quarter? October, November, December; 3rd quarter? January, February, March; 4th quarter? April, May, June. Reports and fees shall be filed with the department no later than 30 days following the end of each quarter. The department may assess a 10 percent additional charge for late reports. If a seed dealer has no sales during the quarterly reporting period the department must be notified accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 14:603 (September 1988), amended LR 29:2632 (December 2003).

§143. Fees

A. The application fee for certification shall be \$23 for each crop, one variety per application, plus \$0.90 per acre inspection fee for all crops except sweet potatoes and sugar cane which shall be \$1.80 per acre and Turf and Pasture Grass which shall be \$25 per acre. The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in §131 shall be \$100.

C. A fee of \$50 shall be charged for each re-inspection of a field.

D. Fees for issuance of certified seed tags shall be \$0.16 for the following classes of seed:

1. breeder (white tag);
2. foundation (white tag);
3. registered (purple tag);
4. certified (blue tag);
5. selected tree seed (green tag); and
6. source identified tree seed (yellow tag).

E. Fees for Sweet Potatoes

1. The fee for greenhouse inspections of virus-tested sweet potato plants and mini-roots shall be \$50 per crop year.

2. A fee of \$0.05 per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Seed Certification. The fee for issuance of a Bulk Certified Seed Sales Certificate shall be \$0.16 per hundred-weight.

G. Fees for Phytosanitary Inspection. A fee of \$0.50 per acre shall be charged for phytosanitary inspections. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-Sampling Certified Seed. A fee of \$30 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling. A fee of \$30 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July, 1984), amended by the Department of Agriculture and Forestry, Seed Commission LR 12:825 (December 1986), amended LR 14:604 (September 1988), LR 16:847 (October 1990), LR 25:1617 (September 1999), LR 26:235 (February 2000), LR 29:2632 (December 2003).

§153. Penalties; Adjudicatory Hearing Required

A. Whenever the chairman of the Seed Commission has reason to believe that there has been a violation of the Seed Law or any of these rules and regulations, he shall notify the person believed to have committed the violation, the notice to be in accordance with the requirements of the Administrative Procedure Act.

B. No penalty shall be imposed on any individual, firm, corporation or other legal entity regulated under the Seed Law until such time as an adjudicatory hearing is conducted, such hearing to be conducted in accordance with the requirements of the Administrative Procedure Act.

C. Whenever the Seed Commission determines that a violation has occurred, the Seed Commission may impose any of the following penalties:

1. withdraw from the offender the right to have seed certified under these procedures;

2. destroy any seed which is not in compliance with the requirements of the Seed Law or the requirements of these regulations; or

3. impose a penalty not to exceed \$500 for each offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1446 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:567 (November 1982), amended LR 9:197 (April 1983), amended by the Department of Agriculture and Forestry, Seed Commission LR 12:825 (December 1986), LR 29:2633 (December 2003).

Bob Odom
Commissioner

0312#106

RULE

Department of Economic Development Office of Business Development

Industrial Ad Valorem Tax Exemption Program (LAC 13:1.513)

The Department of Economic Development, Office of Business Development, pursuant to the authority of R.S. 51:1786(5) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby amends the following Rule of the Industrial Ad Valorem Tax Exemption Program. The purpose of the amendment is to enhance Louisiana's competitiveness in the retention and growth of existing manufacturing operations within our state.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 5. Industrial Ad Valorem Tax Exemption Program

§513. Relocations (Rule 7)

A. A manufacturing establishment moved from one location in the state to another place within the state shall be eligible for the unexpired consecutive years, if any, of the tax exemption contract granted the original location. Exemption may be granted at the new location on those costs of necessary replacements which are in excess of the original cost at the prior facility.

B. Capital additions for remodeling an existing manufacturing facility may be exempted. If replacements are made, only the capital expenditures in excess of original cost shall be eligible for tax exemption. A deduction for the original cost of property to be replaced shall not be made if the project will contribute to additional employment in the state of at least 499 new jobs and the capital additions exceed \$50,000,000.

C. Exemption may be granted on the cost of rebuilding partially or completely damaged facility, but only on the amount in excess of the original cost.

D. Original costs, deducted from replacements made or rebuilding, shall be clearly identifiable on the records of the manufacturer.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Adopted by the State Board of Commerce and Industry, December 9, 1946. amended and promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 20:866 (August 1994), amended by the Department of Economic Development, Office of Business Development, LR 29:2633 (December 2003).

Don J. Hutchinson
Secretary

0312#012

RULE

Department of Economic Development Office of Business Development Louisiana Economic Development Corporation

University Foundation Investment Program
(LAC 19:VII.Chapter 27)

The Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby adopts the following Rules for the University Foundation Investment Program. The purpose of the Rules is to fulfill a need in the university systems of Louisiana to transfer technologies developed in the universities in order to build Louisiana businesses and commercialize these technologies. Universities that form foundations and/or other vehicles to form seed investment funds need commitments of funding or funding to start-up these seed funds. The intent of this program is to provide up front funding for university-formed seed funds that are well thought out, with sound business plans, and privately managed with experienced investors that bring funds in keeping with traditional venture capital fund structures, as well as other private funds from institutional relationships.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 2. Louisiana Venture Capital Program

Chapter 27. University Foundation Investment Program

§2701. Purpose

A. The purpose of this program is to promote and enhance Louisiana Department of Economic Development's cluster development, the goals of Vision 20/20, Louisiana's long-term plan for economic development, and related public policy for the university systems of Louisiana to transfer technologies developed in the research universities in order to build Louisiana businesses and commercialize these technologies. Universities that form technology transfer foundations and/or other vehicles to form seed investment funds need commitments of funding or funding to start-up these seed funds. The intent of this program is to provide initial funding for university-formed seed fund investments that include sound business plans and private, independent management that is attractive to experienced institutional and private investors in keeping with traditional venture capital fund structures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2634 (December 2003).

§2703. Definitions

Agreement—the funding agreement of contract hereinafter referred to between DED, LEDC, and applicant through which the parties by cooperative endeavor or otherwise, include appropriate documentation necessary to conventionally protect the interest of the LEDC in the funding of the award, and set forth the terms, conditions and

performance objectives of the award provided pursuant to these Rules.

Applicant—the University Research and Technology Foundation and its subsidiary entity requesting the funding from the Louisiana University Foundation Investment Program for seed funds that provide early stage funding for the statewide development of University research based companies that seek to commercialize the results of their work through technology transfer in accordance with sound business strategies. In order to be eligible for this program, the applicant must provide a program for engagement of all research universities in the state. The program must indicate that it is seeking inclusion and coordination of effort on a statewide basis and is proceeding in accordance with a sound business plan in a manner consistent with the Rules hereinafter provided.

Award—the funding of the project by the LEDC under this program to eligible applicants.

LED—the Louisiana Department of Economic Development charged by statute with administering the Louisiana University Foundation Investment Program and the relevant LED Cluster and Service Directors and assigned staff shall administer the program provided for by these Rules.

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2634 (December 2003).

§2705. General Principles

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

1. Awards are not to be construed as an entitlement for Louisiana University Foundations or their subsidiary entities locating and are subject to the discretion of the LED, the Secretary of the LED and the LEDC.

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

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

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

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

secretary, or the LEDC board to any future course of action with respect to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2634 (December 2003).

§2707. Eligibility

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2635 (December 2003).

§2709. Qualification for an Award

A. Applications for awards may be made in phases that are representative of the applicant's overall business plan and design. The application shall state whether or not funds are sought for a phase of operation, or whether it represents the total amount sought by the applicant from the fund.

B. Each application must set forth the following:

1. the establishment or plan for establishment of the subsidiary investment entity;
2. the hiring or plan for hiring, including qualifications, of the chief executive officer of the subsidiary entity;
3. the establishment or plan for establishment of an Investment Advisory Board, including qualifications of its members and scope of its authority;
4. the hiring or plan for hiring, including qualifications of an investment fund manager;
5. a preliminary business plan for the subsidiary entity, including therein a plan for statewide inclusion and coordination of the economic development of technology transfer initiatives;
6. the amount of funding being sought by the applicant, and if phased, the total amount of funding that the applicant anticipates will be sought;
7. the goals and objectives of the funding, and the performance measures to be met by the applicant in order to obtain the funding.

C. Depending upon the nature of the funding being sought, applications for funding shall include goals, objectives and performance measures that to the satisfaction of the department and the LEDC, provide for the following:

1. the amount of funding being sought by the applicant;
2. the business plan of the applicant and the relationship between the funding sought and the plan;
3. the minimum and maximum total amount of capital to be raised including the commitment by the state as

evidenced by the funding for which the application is being made and a timetable for raising funds and including goals and objectives for funding and milestones for completion of raising capital;

4. the plan for cluster development, proposed markets for the use of the funds sought, the industry and business development sought by the fund and any new areas for development of the funding; specific involvement of the appropriate department cluster directors in the formation of the plan is recommended;

5. the plan for technology commercialization and transfer and/or the commercialization and transfer of other University-based research that will be implemented through use of the funds;

6. the proposed market of the applicant including the types of businesses that the fund will finance, the extent to which the fund intends to specialize in certain industries, or if special circumstances will be addressed;

7. a survey of the possible avenues of rural development; actual and potential uses of the fund in enhancing the quality of life in the areas of the state most affected by poverty;

8. financing instruments that are intended to be utilized for investments, e.g., debentures, notes, preferred stock, royalties, etc., and a plan reflecting flexibility and adjustment to economic opportunity that may arise from the use of the funds;

9. whether applicant anticipates taking in all of the committed capital investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify the proposed schedule. It is permissible to have different scenarios based on the actual amount of capital raised;

10. applicant's plans for the fund to provide management and/or technical assistance to companies for which the fund provides financing;

11. plans and procedures for monitoring its financing, and enforcing provisions of loan or investment agreements and the handling of problem loans and investments;

12. plans for the management of any idle funds, long-term plans and strategies for providing a tangible return to the investors, and relevant tax and accounting issues for the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2635 (December 2003).

§2711. LEDC Investment Criteria

A. In considering applicant's application for funding, LEDC may require, but not be limited to the following considerations:

1. that the secretary or his designee sits upon the Foundation's Board of Directors; and that another representative of the department, designated by the LEDC, sit upon the Board of Investment Advisors;

2. that LEDC's funding be accompanied by other investment; and that future funding be conditioned upon the ability of the applicant to attract other investment and that applicant provide a specific business plan and time table for raising those funds;

RULE

**Department of Economic Development
Office of Business Development
Louisiana Economic Development Corporation**

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

3. that LEDC's funds shall be considered equity in the fund with any funds that were used for initial expenses to be counted as equity for carry and distribution purposes;

4. that LEDC shall participate in the distributions in its pro-rate share;

5. that if there are any other investors that receive state tax credits, then LEDC's return on investment shall be calculated on an equal basis;

6. that the professional fund manager or the chief executive officer of the applicant provide the LEDC board with semi-annual reports detailing the investments made, return on investment, and the applicant's meeting of the goals and objectives and performance measures under which the application was approved;

7. that LEDC may condition the applicant's use of investment capital as up-front operating funding upon submission of a quarterly accounting for the use of funds and a quarterly budget. Additionally, applicant may be required to submit quarterly and annual financial and narrative reports on the use of monies and all investments made by the fund during the reporting period. The narrative report shall include the number of applications received in addition to other activities. The narrative report shall include a listing of all investors in each business and all subsequent financings. Additionally, the reports shall contain information on the number of jobs created by the portfolio business, the payroll figures, the amount of any state tax incentive or other incentives utilized, and state taxes paid by the businesses;

8. that LEDC may condition applicant's funding as may be appropriate and may require such securitization or other documentation as may be appropriate to the investment goals and objectives and performance measures;

9. that LEDC may condition investment upon performance of such additional requirements as may be negotiated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2635 (December 2003).

§2713. Contract between LEDC and Applicant

A. LEDC and applicant shall enter into such terms of agreement as may be customary in the industry for the creation and maintenance of Venture Capital Funding, provided that the agreement shall fully reflect the representations made by applicant as provided in Qualification for Award and Investment Criteria as set forth above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2636 (December 2003).

Don J. Hutchinson
Secretary

0312#010

The Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, pursuant to the authority of R.S. 51:2312 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby adopts the following Rules for the Louisiana Project Equity Fund. The purpose of the Rules is to provide loan funding to companies on a project basis for the purchase of capital equipment, and accompanying necessary inventory and/or technology that introduce innovative development or production of products in Louisiana and that serve to enhance industry cluster. These Rules are being adopted in response to a market failure for businesses that have opportunities to perform on contracts with Louisiana companies but cannot receive favorable terms from the private sector financial institutions.

Title 13

ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 15. Louisiana Project Equity Fund

§1501. Purpose

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2636 (December 2003).

§1503. Definitions

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

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

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

LED? the Louisiana Department of Economic Development charged by statute with administering the Project Equity Fund and the LED cluster directors and assigned staff shall administer the fund provided for by these Rules.

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

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

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

Secretary? the secretary of the LED, who is also the president of LEDC.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2636 (December 2003).

§1505. General Principles

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2637 (December 2003).

§1507. Eligibility

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2637 (December 2003).

§1509. Application for Project Funding

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

1. A business plan providing:

a. a detailed description of the project to be undertaken, particularly:

i. the project manufacturing materials and equipment; and/or

ii. technology for which the funding is sought; and

ii. the economic scope of the investment involved in the project;

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

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

2. A description of the project:

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

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

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

d. a description as to how the project furthers and promotes the development of cluster industries and businesses and will enhance the economic viability of the state and region of the state in which the project is located.

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2637 (December 2003).

§1511. Loan Funding

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:2638 (December 2003).

Don J. Hutchinson
Secretary

0312#011

RULE

Board of Elementary and Secondary Education

Board Advisory Councils
Special Education Advisory Council
(LAC 28:I.105)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted the following revision to LAC 28:I.105. The revision will change the composition and function of the Special Education Advisory Council (SEAC) to align with recently adopted Bulletin 1706 and Federal Regulations.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 1. Organization

§105. Board Advisory Councils

A. - B.1. ...

2. Special Education Advisory Council

a. Creation. Pursuant to federal law and regulations (34 CFR 300.650-652) and to state law (R.S. 17:1954), the Special Education Advisory Council is created to serve the state board in its constitutional functions to supervise and control public schools including programmatic and budgetary responsibility for all funds appropriated for special education programs.

b. Membership. The Advisory Panel shall be appointed and approved by the state board and shall be representative of the state population and composed of individuals involved in, or concerned with, the education of children with disabilities, including:

i. parents of children with disabilities;

ii. individuals with disabilities;

iii. teachers;

iv. representatives of institutions of higher education that prepare special education and related services personnel;

v. state and local education officials;

vi. administrators of programs for children with disabilities;

vii. representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;

viii. representatives of private schools and public charter schools;

ix. at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

x. representatives from the state juvenile and adult corrections agencies.

c. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

d. Procedures. The Special Education Advisory Council shall conduct its meetings according to rules of procedures for state board advisory councils as found in §105 of this Code and in particular those policies relating to membership terms, selection of officers, filling of vacancies, payment of expenses, general functions, quorum, attendance, procedures for the conduct of meetings, reporting, and staffing by the state board and the Department of Education.

e. Functions

i. As stated in federal regulations, the functions of the advisory council shall be to:

(a). advise the state educational agency of unmet needs within the state in the education of children with disabilities;

(b). comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;

(c). advise the state educational agency in developing evaluations and reporting on data to the secretary under Section 618;

(d). advise the state educational agency in developing corrective action plans to address findings identified in federal monitoring reports under this Part;

(e). advise the state educational agency in developing and implementing policies relating to the coordination of services for children with disabilities; and

(f). advise on eligible students with disabilities in adult prisons. The advisory panel also shall advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with Section 300.600(d), a state assigns general supervision responsibility for those students to a public agency other than an SEA.

ii. As stated in state board policy in LAC 28:I.105.G., the functions of the council are advisory in nature and considerations shall include items referred by the state board as well as items initiated by the council and approved by the board through its regular procedures.

iii. As stated in state board policy LAC 28:I.1711.E., the advisory council shall perform the duties related to disbursement of certain special education discretionary funds.

C. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with La. Constitution Article VII, §10.1; R.S. 17:6(9); R.S. 17:11; R.S. 17:24.4; R.S. 17:415.1; R.S. 17:1954; R.S. 17:3762; R.S. 17:3801; R.S. 42:4.1-12; 20 USC 1413 (§613) and 20 USC 3474 (§112).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 4:427 (November 1978), amended LR 5:137 (June 1979), LR 5:383 (December 1979), LR 14:10 (January 1988), LR 14:293 (May 1988), LR 14:702 (October 1988), LR 14:790 (November 1988), LR 14:62 (December 1988), LR 16:297 (April 1990), LR 19:1310 (October 1993), LR 21:550 (June 1995), LR 22:99 (February 1996), LR 23:1303 (October 1997), LR 24:1093 (June 1998), LR 25:255 (February 1999), LR 25:418 (March 1999), LR 29:2638 (December 2003).

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Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 106? Agricultural Education
Content Standards Curriculum Framework
(LAC 28:LXV.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 106? Agricultural Education Content Standards Curriculum Framework*. Bulletin 106 will be printed in codified format as Part LXV of the Louisiana Administrative Code. The Agricultural Education standards will assist teachers in preparing students for the workplace. This action will provide Agricultural Education standards.

Title 28

EDUCATION

Part LXV. Bulletin 106? Agricultural Education Content Standards Curriculum Framework

Chapter 1. General

§101. Introduction

A. The Educational Framework for Louisiana's Agriscience/Agribusiness/FFA Program is an effort to restructure this program for the 21st century. This framework is based on the conviction that all students deserve and must have more productive and fulfilling lives through the application of agricultural, scientific, mathematical, language arts, FFA leadership activities, knowledge, ideas and processes. This conviction is a vision of great hope and optimism for the future of our graduates, one that can act as a powerful unifying force.

B. Setting goals and developing state standards to meet them are key strategies in the agriscience/agribusiness/FFA program. Support for educational frameworks in Louisiana originated in the 1980s when the National Governors Association sanctioned national education goals. Other events of key importance that laid the groundwork for these standards include:

1. A Nation at Risk: The Imperative for Educational Reform (1983)¹;

2. Understanding Agriculture: New Directions for Education (1988)²;

3. Agricultural Education for the Year 2020 (1996-98)³;

4. several projects that developed innovative agriscience curricula during the past decade;

5. ongoing legislation and restructuring projects, such as the Southern Region Education Board's High Schools that Work Project and the School to Career legislation, mandate that curricular change in vocational, science, mathematics and other educational areas must occur.

C. These events have led to a strong conviction on the part of the agriscience/agribusiness/FFA community that continued reevaluation of the program and appropriate changes based on this reevaluation are required. A critical aspect of this reevaluation includes an assessment of the extent to which the agriscience/agribusiness instructional

program and FFA career development events have implemented the changes called for in national educational reform efforts as shown in Table 1.

1. Table 1. Changes Called for by National Education Reform Efforts

Less Emphasis On	More Emphasis On
Learning about agriculture by lecture and reading	Learning agriculture and science through investigation and inquiry including laboratory and site-based learning
Separation of agricultural and science disciplines	Integration of agriculture and science disciplines
Separation of theory and practice	Integration of theory and practice
Individual learning	Collaborative learning
Fragmented, one-shot planning	Long-term, objectives-based planning
Teacher as expert	Teacher as intellectual, reflective facilitator of learning
Teacher as consumer of knowledge about teaching	Teacher as producer of knowledge about teaching
Teacher as follower in curriculum development	Teacher as primary curriculum developer
Teacher as an individual based in an agriscience program	Teacher as a member of a collaborative, professional education community
Teacher as target of change	Teacher as source and facilitator of change
Content/skills and learning are the responsibility of the teacher	Content/skills and learning are the collaborative responsibility of the teacher and students

D. Agriscience/Agribusiness/FFA educators have traditionally been strong proponents of the approach described in the right column. This project has allowed these educators to reevaluate how well they have implemented these concepts and to identify those course adjustments that are needed.

E. Regardless of our occupation, agricultural production, processing, and distribution are critical to the very existence of the American standard of living as we know it. All Americans should be equipped with a basic understanding of the American and global agricultural systems. This foundation is critical as they become involved in citizenship responsibilities such as voting and policy development, especially in a time of expanding environmental and biotechnological concerns.

F. Approximately 20 percent of all graduates will pursue careers in agriculturally related occupations and two percent of high school graduates will be directly involved in the production of agricultural products. For these students, it is imperative that they study in a high school curriculum that makes them aware of and prepares them for careers in these agricultural occupations. High school agriscience education curricula must equip students with fundamental and advanced agricultural knowledge and skills, including technology, leadership, and career development.

¹Published by the National Commission on Excellence in Education

²Published by the National Academy of Sciences, National Research Council, Board on Agriculture

³Project currently underway

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2639 (December 2003).

§103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills, which should apply to all students in all disciplines.

1. Communication? a process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving? the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization? the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential in all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. Linking and Generating Knowledge: The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principle of continued improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship? the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2640 (December 2003).

§105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to

access information, solve problems, make decisions, and work as a part of a team. Therefore, information literacy, the ability to recognize an information need, and then locate, evaluate, and use effectively the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing?** the first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources?** after students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording?** students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information?** after recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information?** students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. **Presenting Findings?** students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audiovisual presentation, game, bibliography, hyper stack).

7. **Evaluating Efforts?** throughout the information problem-solving process, students evaluate their efforts. This process assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2640 (December 2003).

§107. Mission Statement for Agriscience /Agribusiness/FFA

A. The Mission of the Agriscience/Agribusiness/FFA Program Education is to prepare and support individuals for careers; build awareness of and develop leadership for the food, fiber and natural resource systems; and to sustain the

viability of earth and people through education in agriculture. We value and desire to achieve this mission by:

1. providing instruction in and about agriscience, food and natural resource systems;
2. serving all populations;
3. developing the whole person;
4. responding to the needs of the economic and educational marketplace;
5. advocating free enterprise and entrepreneurship education;
6. functioning as a part of the total educational system;
7. connecting classroom and laboratory instruction with real-world life and career experiences; and
8. utilizing a proven educational process which includes:
 - a. formal instruction in classrooms and laboratories;
 - b. site-based, experiential learning in supervised agricultural experience programs; and
 - c. leadership and personal development thru the FFA.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2641 (December 2003).

Chapter 3. Components/Structure? The Teaching and Learning of Agriscience/Agribusiness/FFA

§301. Nature of the Agriscience/Agribusiness/FFA

Program: What Is Agriscience/Agribusiness/FFA

A. The mission stated above is accomplished by using a combination of experiential and inquiry-based learning in the classroom, laboratory, and community. All students in agriscience/agribusiness/FFA benefit from the emphasis on lifelong skills such as leadership and personal development, critical thinking, communications, teamwork, career decision making, and citizenship. The Louisiana Content Standards Foundation Skills on page 3 and the Information Literacy Model on page 4 have been adopted by the Louisiana agriscience/agribusiness/FFA profession and have been incorporated into the teaching philosophy and processes used in Louisiana.

Note: From this point to the end of this document, "AgEd/FFA" will be used to denote the Agriscience/Agribusiness/FFA Program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2641 (December 2003).

§303. Unifying Concepts and Processes

A. Students are taught decision-making skills and provided opportunities to take responsibility for significant events and projects in the AgEd/FFA program. These opportunities require hands-on, applied activities that address the student's individual development in several areas: career development, leadership skills, workplace readiness, safety awareness, business management and marketing, and group and organizational skills. These skills are based on concepts taught in academic subjects and students are taught to apply these concepts to life in the real world. Since agriculture is the application of science, providing science credit for AgEd/FFA serves the student's

educational needs while also incorporating current trends in science education. AgEd/FFA also incorporates the applications approach for mathematics, language arts and communications, and other academic areas.

B. In addition to the integration with academic subjects, there is a broad spectrum of careers in agriculturally related fields. AgEd/FFA serves as a career path for those students who choose to enter agricultural occupations. AgEd/FFA courses, in tandem with appropriate academic and elective courses, prepare students to enter college, pursue post-secondary education, or enter the workforce upon graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2641 (December 2003).

§305. Instructional Issues

A. AgEd/FFA is not a classroom only subject. It is based on a constantly expanding knowledge base, evolving technology and other scientific advances, and emerging ethical issues both in the instructional environment and in agriculture. The AgEd/FFA program must meet student and community needs, and state leadership must provide for a wide range of local adaptation. It must be taught as an integral part of high school curricula, rather than as an isolated or stand-alone program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

§307. Classroom/Laboratory/Site-Based Learning

A. AgEd/FFA is unique among educational programs in that its laboratory and site-based experiences are highly interrelated. For example, after classroom instruction on metal or wood construction techniques, materials, etc., students may perform metal or wood construction in a laboratory located at the school or they may perform the same task in a site-based experience. After classroom instruction on parliamentary law motions and procedures, students actually utilize these motions and procedures to conduct mock meetings using the classroom as a laboratory; then, students use parliamentary law to conduct the business of the school's FFA chapter. In both cases, depth of knowledge and skills is developed through a combination of classroom, laboratory, site-based experiences.

B. The program must allow the teacher to facilitate learning while continuing to integrate science, mathematics, and communication skills into the total program. Instruction should be coordinated with all high school courses and taught as an integral part of the total instructional experience for the student, rather than as an isolated program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

§309. Technology, Materials, and Equipment

A. AgEd/FFA programs demand modern equipment, facilities, materials, and other technology that simulate the current environment in the workplace. The program must emphasize knowledge construction to solve problems via the problem-solving method traditionally used in AgEd/FFA, a

method that has become popular in many other fields during the past few years. The problems used in this method must be realistic in nature and must require learners to determine the method of solving the problem as well as the actual application of the final solution. The instructional process must incorporate hands-on teaching, an approach that requires equipment, technology and materials similar to those used in the real-work world. Consumable supplies must be provided on a reliable, consistent basis.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

§311. FFA

A. The FFA is recognized as the finest student organization in the world. It is a co-curricular student organization that serves as an essential teaching tool in the AgEd/FFA program. FFA activities provide motivational, application-oriented opportunities for students to develop skills and demonstrate learning. Students are given the responsibility for running an FFA chapter. They learn critical thinking skills, leadership, teamwork, communications, competition, ethics, and other critical-life skills through this process. FFA activities connect classroom learning with career-related, real-world experiences. The FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through AgEd/FFA.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

§313. Supervised Agricultural Experience Program (SAEP)

A. A very unique component of AgEd/FFA is the Supervised Agricultural Experience Program (SAEP). This component is in addition to the classroom, laboratory and site-based experiences described above. Each student enrolled in AgEd/FFA is required to plan and conduct a SAEP. SAEP is a coordinated set of supervised individual experiences in an agricultural career area. Examples of SAEPs include employment in a farm, ranch, or agribusiness setting; individual production of livestock or crops; volunteer work with community organizations using agricultural skills; or developing entrepreneurial opportunities.

B. The SAEP allows the student to apply the knowledge and individualized skills learned in school-sponsored classroom, laboratory and site-based activities in their own situation. These experiences allow students to explore career areas, to develop career skills further, to develop self-confidence and a sense of responsibility and pride, to hone their personal decision-making skills, and to receive recognition for their achievements.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

§315. Depth of Knowledge/Skills

A. Many critics of American education point to the Japanese, German and other systems of education as being

superior primarily because of the depth of learning that is common to those systems. AgEd/FFA has traditionally emphasized depth of knowledge and skills. For example, instead of just learning measurement, students use measurement skills in conjunction with other skills to construct realistic agricultural projects or facilities. Instead of just studying chemicals and their effects on plants, students select appropriate chemicals for specific problems or situations, calibrate equipment, and apply the chemical according to manufacturers' specifications. Instead of just learning business principles, students are involved in entrepreneurial SAEs, develop a business plan, maintain records, and evaluate business success. These examples demonstrate the depth that exists in the AgEd/FFA program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2642 (December 2003).

Chapter 5. Assessment

§501. Purpose of Assessment

A. Assessment is the "process of collecting, synthesizing and interpreting information to aid in decision making" (Airasian, 1991)⁴. It is an important tool used to make decisions about educational quality and improvement. It is a key tool used by Louisiana Department of Education staff, members of the State Board of Elementary and Secondary Education, and other stakeholders to make decisions about education policy and to ensure accountability. Assessment must guide the enhancement and improvement of AgEd/FFA and FFA.

⁴Airasian, P. (1991). *Classroom assessment*. New York: McGraw-Hill, Inc.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2643 (December 2003).

§503. Objectives Oriented Approach

A. One major error made by some professionals and stakeholders in the field of education is that they often fail to base assessment on valid, measurable instructional objectives. If everyone has not agreed what a program is supposed to produce from an instructional quantity and quality standpoint, then any assessment is futile. In the case of the AgEd/FFA strands described in this publication, assessment design becomes even more critical because each local program of AgEd/FFA must be based on student and local community needs rather than a state-wide mandated curriculum. As such, assessment of AgEd/FFA programs should be conducted based on local objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2643 (December 2003).

§505. Alternative Assessment

A. One initiative in education reform is the promotion of the use of alternative assessment in all areas of education. "Alternative assessment includes any type of assessment in which students create a response to a question rather than choose a response from a given list (e.g., multiple-choice, true-false, or matching). Alternative assessment can include

short answer questions, essays, performances, oral presentations, demonstration, exhibitions, and portfolios."

⁵Regional Educational Laboratory Network Program on Science and Mathematics Alternative Assessment. (1994). A toolkit for professional developers: Alternative assessment, page 7.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2643 (December 2003).

§507. Effective AgEd/FFA Program Assessment

A. The alternative assessment examples identified above match the instructional needs of AgEd/FFA programs and will continue to be used. However, a comprehensive, valid assessment of AgEd/FFA must include an assessment of all components of the program: classroom/laboratory/site-based instruction, supervised agriscience experience program, and FFA activities. This program cannot and should not be evaluated solely on written examinations or standardized test scores. However, AgEd/FFA students have consistently scored higher on all five portions of the Louisiana Assessment of Education Process (LEAP) tests than the general student population.⁶ Alternative methods such as portfolios, exhibitions, and skill performances, and career development events must be used. The Annual Report/Plan Louisiana Agriscience/Agribusiness/FFA is one tool that should be used in assessing AgEd/FFA programs.

⁶Based on 1994-1996 data.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2643 (December 2003).

§509. Need and Context for Restructuring AgEd/FFA

A. The world of agriculture and AgEd/FFA continues to grow more complex. We develop, disseminate and interpret more information in less time than ever before. Our curriculum development, teacher education, state supervision/coordination of AgEd/FFA activities, and local delivery systems must stretch to keep the pace. AgEd/FFA educators must keep pace as scientists add more information to the knowledge base, budgets grow tighter, and the use of technology increases the speed of business.

B. These rapid changes require new ways of thinking, working and interacting. Just as newer, more powerful software applications can overwhelm today's computer systems, the ever-accelerating rate of change can overwhelm our system of AgEd/FFA. From curriculum development and dissemination to teacher preparation and state supervision/coordination of AgEd/FFA activities, our people are overloaded. It is time to take a fresh look at these systems to meet current and future needs more effectively.

C. Tremendous change is occurring in our nation's schools and particularly in Louisiana. Alternative scheduling is one initiative that is dramatically affecting AgEd/FFA. AgEd/FFA programs need the flexibility to function within 4x4 blocks and other forms of alternative scheduling. The use of this Framework in developing local curricula provides this flexibility.

D. The Frameworks project was launched in an effort to address these fundamental issues. This project is a visioning and planning initiative to develop a framework for 21st

century education/FFA programs. This project, in collaboration with AgEd/FFA across the nation, is the first step in a multi-year effort to reinvent AgEd/FFA in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2643 (December 2003).

Chapter 7. Purpose/Goals of the AgEd/FFA Framework Project

§701. Purpose/Goals

- A. The purpose and goals of this project are to develop:
1. a master plan for developing the agricultural literacy and advanced career skills of Louisiana students as they progress through K-12 AgEd/FFA;
 2. a master plan for AgEd/FFA based on Louisiana's needs;
 3. a visionary document that will enable teachers, students, parents, administrators, and other stakeholders to envision the nature, purpose and role of AgEd/FFA in Louisiana schools;
 4. a master plan that:
 - a. provides substantial depth of content and skills;
 - b. provides increased collaboration between teachers and students in instructional design;
 - c. utilizes alternative assessment methodology (other than primarily written objective tests);
 - d. describes the scope for AgEd/FFA;
 - e. provides flexibility to teachers in selecting course content and activities based on local needs;
 - f. prepares students for the 21st century;
 - g. truly empowers teachers as leaders in the profession;
 - h. reemphasizes science, mathematics, and communications content of AgEd/FFA curricula;
 - i. emphasizes foundation skills developed by the Louisiana Content Foundation Skills Standards Task Force and by the Louisiana AgEd/FFA Framework Project Task Force:
 - i. communication;
 - ii. problem solving;
 - iii. resource access and utilization;
 - iv. linking and generating knowledge;
 - v. citizenship;
 - vi. leadership;
 - vii. career development;
 - viii. agricultural/occupational experience.
 5. a master plan that recognizes that each AgEd/FFA program must be based on the needs of the students and local community. As such, not all AgEd/FFA programs will teach all benchmarks and identified benchmark components. Each AgEd/FFA educator must identify those benchmarks and benchmark components that are appropriate for their students and community.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2644 (December 2003).

§703. Intended Audience

- A. The Louisiana AgEd/FFA Framework is intended for a broad audience: AgEd/FFA teachers, K-12 teachers,

parents, school and district administrators, school board members, policy makers, Louisiana Department of Education staff, college/university faculty/administrators, business/industry leaders, and government agency staff.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2644 (December 2003).

§705. Intended Use

A. This Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of AgEd/FFA in Louisiana. It should be noted that the benchmarks and benchmark components taught should be based on the needs of the students and the community where the AgEd/FFA program is located. The intended uses of this Framework include the following:

1. for AgEd/FFA teachers to use in planning curriculum, instruction and assessment;
2. for K-12 teachers to use in identifying ways they can incorporate AgEd/FFA emphasis in their curricula;
3. for parents to use as a means of assessing the effectiveness of their children's AgEd/FFA;
4. for school and district administrators and school board members to use as a vision for AgEd/FFA and a basis for planning resource allocations, material purchases, local curriculum development, teachers' professional development, and facility construction;
5. for policy makers and state education staff as a basis for developing laws, policies, professional development activities/materials, assessment strategies, and funding priorities to support local program development;
6. for college/university faculty and administrators as a basis for the content and design of pre-service teacher education and in-service teacher development programs; and
7. for business/industry leaders and government agency staff as a basis for developing effective partnerships for supporting AgEd/FFA programs and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2644 (December 2003).

§707. Selected Terminology

Benchmark? broad labels that denote the process and content used as a reference to develop curriculum and assess student progress.

Benchmark Component? descriptions of the components of each benchmark.

Connecting Activities? activities that connect schools and workplaces. These "connecting activities" include:

1. coordinating classroom instruction and workplace experience so that the instructional program in school reinforces student's work experiences and vice-versa;
2. providing regular communication, planning, and consultation between the student's employer and the school;
3. forming permanent two-way links with the business and the school, communicating their expectations of what students should learn and be able to do, and then working as partners to help students achieve; and
4. creating links to the full range of post-secondary options, including college.

Classroom Learning? a combination of AgEd/FFA information and experiences provided in classrooms, laboratories, or community.

SAEP? supervised Agricultural Experience Program: an individualized student program of planned agricultural activities and occupational experiences that are supervised by the AgEd/FFA teacher. The SAEP may include placement, entrepreneurship or volunteerism experiences.

School to Work? joint business-educator-labor partnerships whereby local teams design a focused system that links a rigorous and challenging curriculum with serious work-based learning experiences for career-bound youth.

Strand? major division of instructional content.

Standard? umbrella goal for each strand.

Work-Based Experiences? the occupation specific component of SAEP. Includes those experiences resulting from enrollment in the Cooperative Agricultural Education (CAE), an out-of-school placement program; mentoring; or job shadowing components of the AgEd/FFA program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2644 (December 2003).

§709. How Individual Teachers Should Use these Rules

A. The Frameworks will serve AgEd/FFA policy makers and stakeholders and individual teachers as the foundation for the functional restructuring of AgEd/FFA curricula in Louisiana. The Framework outlines the content appropriate to be taught in Louisiana AgEd/FFA programs; local needs will determine what should be taught in local AgEd/FFA programs. Although teachers will be able to use this Framework to guide them in the restructuring of their curricula, this document does not contain specific performance criteria that are essential in AgEd/FFA. These specific assessment criteria must be developed on the local level.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2645 (December 2003).

§711. Content Strands

A. Goal. The student will be able to communicate clearly and effectively, use knowledge and information efficiently, solve problems, demonstrate positive leadership, be creative and original, determine quality, work cooperatively with others, be prepared to make career choices and learn effectively throughout life through agricultural education. This goal will be accomplished by implementing the content strands and standards listed below.

Code	Content Strand	Standard
AL	Agricultural Literacy - K-12 ALL students will become aware of the characteristics and components of the food and fiber systems.	

PD	Personal Development	AgEd/FFA students will develop the necessary interpersonal and communication skills to obtain a job and work effectively and safely in an interactive work environment.
AB	Agribusiness	AgEd/FFA students will understand the concept of agricultural marketing, management, finance, and entrepreneurship.
BT	Biotechnology	AgEd/FFA students will be able to discuss basic concepts of biotechnology and be able to apply these concepts in written and laboratory activities.
AS	Animal Systems	AgEd/FFA students will understand the concepts and principles of animal science.
PS	Plant Systems	AgEd/FFA students will understand the concepts and principles of plant science.
EM	Environmental Management	AgEd/FFA students will develop an understanding of the interrelationship between people, agriculture and the environment.
AP	Agricultural Processing	AgEd/FFA students will understand processing and packaging of agricultural products.
AT	Agriscience Technology	AgEd/FFA students will demonstrate technical skills that reflect successful business and industry practices.

Special Note: The codes shown in the mathematics, science, and English language arts columns in the tables on the following pages were taken from the mathematics, science, and English language arts frameworks developed by the Louisiana Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

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§713. Agricultural Literacy K-12

A. Standard. All students will become aware of the characteristics and components of the food and fiber systems.

B. Focus. Agriculture is an important part of our state's economy from both product and employment perspectives. We depend on the agricultural system for survival and nourishment. Our citizens, both young and old, must be educated about the system that produces our abundant food supply. AgEd/FFA students will learn how food gets to their plates and the numerous biotechnological, economic, environmental, and monetary issues related to the global agricultural system.

C. AL - Agricultural Literacy Cross Reference

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural Awareness grades k-4	1. Discussing the history and industry of agriculture	N1/2/3/4/5/6/7/8/9 A1/2/3 M1/2/3/4/5 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		2. Exploring the animal kingdom as it relates to food and fiber	N1/2/3/4/5/6/7/8/9 A1/2/3 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B 1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		3. Exploring the plant kingdom as it relates to food and fiber	N1/2/3/4/5/6/7/8/9 A1/2/3/4 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
		4. Exploring the food and fiber system of our everyday lives	N1/2/3/4/5/6/7/8/9 A1/2/3/4 G1/5/6 D1/2/3 P1/2/3	PS-A1/2/3/4/5, B1/2/3/4, C3/4/6/7 SI-A1/2/3/4/5/6/7, B1/2/3/4/5/6 LS-A1/2/3/4/5, B1/2/3/4 ESS-A1/2/3/4/5/6, B1/2/3/4/5/6 SE-A1/2/3/4/5	1-E1/2/5/6 2-E2/4/5 3-E3 4-E1/2/3/4/5/6/7 5-E1/2/3/4 6-E2 7-E1/2/4
	B. Agricultural literacy grades 5-8	1. Explaining and analyzing the components of agriculture and the manner in which the industry affects our daily lives	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		2. Understanding how science relates to agriculture	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		3. Exploring animal and plant systems	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4

		4. Exploring vocational skills of the agricultural industry as they relate to agricultural occupations	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/17 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
		5. Exploring career opportunities in the agricultural industry	N1/2/3/4/5/6/7 A1/2/3/4/5 M1/2/3/4/6 G1/6/7 D1/2/3/6 P1/2/3/4	SI-A1/2/3/4/5/6/7/8, B1/2/3/4/5/6/7 PS-A1/5/6/8/9, B1/2/3/4/5, C1/2/3/5/6/7/8 LS-A1/2/3/4/5/7, B1/2/3, C1/2/3/4, D1/2 ESS-A4/5/8/10/11/12, B2/3 SE-A1/2/3/4/5/6/7/8/9/10	1-M1/2/3/4/5 2-M1/4/5 3-M3 4-M1/2/4/5/6 5-M1/2/6 6-M1/2 7-M1/2/4
	C. Agricultural literacy grades 9-12	1. Exploring the food, fiber, and natural resource systems	N1/2/6/7 A1/2/3/4 M1/2/3/4 G6 D1/2/7/8/9 P1/2/3/4/5/6	SI-A1/2/3/4/5/6, B1/2/3/4/5 PSA1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3/4, G1/2/3/4/5 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Discussing why agriculture is important in our lives	N1/2/6/7 A1/2/3/4 M1/2/3/4	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A2, B1, C1/2/3/4, D1/2/3/4/6/7, E1/2/4, F1/2, G4 LS-A1/2/3/4, B1/2/3/4, C4-5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		3. Recognizing areas of science that are a part of agriculture (physics, chemistry, geology, meteorology, biology)	N1/2/5/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		4. Understanding the relationship between plants and animals	N1/2/6/7 A1/2/3/4 M1/2/3/4 G6 D1/2/7/8/9	P1/2/3/4/5 SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, C4/5/6/7, D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE-A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

		5. Discussing jobs involved in agriculture	N1/2/5/6/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5	SI-A1/2/3/4/5/6, B1/2/3/4/5 PS-A1/2, B1, C1/2/3/4, D1/2/3/4/6, E1/2/4, F1/2, G4 LS-A1/2/3, B1/2/3/4, 4/5/6/7 D1/2/3/4, E1/2/3, F1/3, G1/2/3 SE- A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6,C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		6. Understanding how agriculture was and is necessary for the development of civilization	N1/2/7 A1/2/3/4 M1/2/3/4 G1/3/6 D1/2/7/8/9 P1/2/3/4/5		1-H1/3/4/5 2-H1/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

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§715. Personal Development

A. Standard. AgEd/FFA students will develop the necessary interpersonal and communication skills to obtain a

job and work effectively and safely in an interactive work environment.

B. Focus. AgEd/FFA students will develop and demonstrate knowledge and skills in agricultural communications, teamwork, citizenship and agriculturally related careers needed in becoming productive citizens.

C. PD? Personal Development Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural communication	1. Identifying FFA leadership activities	A1 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5/C7, D2/4/9	1-H1/3/4/5 2-H2/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing agricultural related speeches	A1 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/10/11, B1/5, C5, D2/4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Participating in leadership skills career activities	AI M1/4 G6 D1/5/7/8/9 N1/2/6	SI-A1/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5, D2/4	1-H1/3/4/5 2-H/2/5, 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	B. Team work in agriculture	1. Participating in agricultural career event activities	A1/2/3/4 M1/2/3/4 G6 D1/5/7/8/9 N1/2/3/4/5/6/7	SI-A/2/3/4/6, B2/4/5 LS-D4 SE-A2/7/8/10/11, B1/5, C5 D2/4	1-H1/3/4/5 2-H/2/5, 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing chapter recruitment activities			1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4

		3. Developing student and community related financial activities	A1/2/3/4 M4 G6 D1/5/7/8/9 N1/2/5/6/7		1-H1/3/4/5 2-H/2/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	C. Citizenship in agriculture	1. Developing community related economic activities	A1/2/3/4 M1/4 G6 D1/5/7/8/9 N1/2/5/6/7		1-H1/3/4/5 2-H/2/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Conducting local agricultural and environmental awareness activities	A1 M1/4 G6 D1/5/7/8/9	SI-A1/3/6 PS-G4, H2 LSI-D4 ESS-A12, B1/4 SE-A1/2/3/4/5/6/7/10/11, B1/2/3/4/5/6/, C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Conducting community related citizenship and human resource development activities	A1 M1/4 G6 D1/7/8/9	SI-A1/3/6 LS-D4 ESS-A1/2, C3/4/5 SE-A1/2/6/17/10/11, B1/2/3/4/5/6/7, C2/4/5/6/7, D2/3/4/5/6/7/8/9	1-H1/3/4/5 2-H/2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
	D. Careers in agriculture	1. Exploring agricultural related occupations	A1 M1/4 G6 D1/5/7/8/9 N1/2/5/6/7	SI-A1, B1 PS-A1, D1, E1/2 LS-G5 SE-C5, D3/9 ESS-A1/2, C3/4/5	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		2. Developing agriculture work experiences	A1 M1/4 G6 D1/5/7/8/9	SI-A1, B1 PS-A1, D1, E1/2, H1/3 LS-G5 SE-C5, D3	1-H1/3/4/5 2-H2/4/5/6 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		3. Participating in agricultural career events	A1 M1/2/3/4 G6 D1/5/7/8/9 N1/2/3/4/5/6/7	SI-A3/6, B1 PS-D2, G3/4, H1/3 LS-D4, G5 ESS-B1 SE-A2/4, D3	1-H1/3/4/5 2-H2/5 3-H1/3 4-H1/2/3/4/5/6 5-H1/2/3/4/6 7-H1/2/4
		4. Developing job seeking and keeping skills	A1 M4 G6 D1/5/7/8/9 N1/2/5/6/7	SI-A6, B1 PS-H1 LS-G5 SE- D3	1 -H1/3/4/5 2-H/2/5, 3-H 1 /3 4-H 1 /2/3/4/5/6 5-H 1 /2/3/4/6

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§717. Agribusiness

A. Standard. AgEd/FFA students will understand the concept of agricultural marketing, management, finance, and entrepreneurship.

B. Focus. This strand focuses on the study of sound business practices and the effect of supply and demand in the marketplace. Strong emphasis is placed on the development of individual business plans.

C. AB? Agribusiness Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Production systems	1. Identifying various production practices of the world	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		2. Determining the factors that affect the development of production practices	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		3. Understanding human diversity and its affect on world markets	N1/2/3/5/7 A1/3/4 M2/4 G6 D6/7/9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/6 7-H4
		4. Discussing problems affecting agricultural production worldwide	N1/2/3/5/7 A1/3/4 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 LS-B1/3 SE-A2/6/10, D3/4/5/9	1-H1/3/4/5 2-H2/3/4/5 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	B. Selections from various choices	1. Identifying occupational preferences	G6 D1/5/9	SE-C3, D1	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Explaining the reasons for and effects of unemployment	G6 D1/5/6/7/9	SE-D1 1-H1/3/4/5	2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
	C. Factors that make employees successful	1. Explaining the roles of customers and salespersons	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3 LS-F3	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5 7-H1/2
		2. Exploring various buying decisions	A1/3/4 N2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		3. Describing the types of customers	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3 LS-F3	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		4. Describing the desirable characteristics of a good salesperson	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1 SI-A1, B1/3	2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	D. Agricultural marketing sales and services	1. Explaining the laws of supply and demand	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Understanding the agricultural market, sales and services systems	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2 3-H1/2/3	4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		3. Discussing marketing costs and margins	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2

		4. Discussing the impact of the customer on markets, sales, and services	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2 2-H2/4/5	3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	E. Economics of production	1. Understanding how the factors of production are organized and how they differ between systems	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SI-A1/2/4/5/6, B1/3 3-H1/2/3	4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
	F. Develop a business plan	1. Explaining the importance of budgeting and understanding the types of costs	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		2. Explaining credit and its uses in a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D6/7/9	SE-D1, A2/6/10 1-H1/3/4/5	2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		3. Explaining the various types of business organizations	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		4. Understanding the meaning of assets and liabilities	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		5. Developing a cash flow projection for a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/6 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
		6. Explaining variable versus fixed costs	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/3/4/5/6 7-H1/2
		7. Understanding the legal aspects of a business	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		8. Demonstrating the concept of capital investment	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2
		9. Explaining the purposes and types of Insurance in agriculture	A1/3/4 N1/2/3/5/7 M2/4 G6 D9	SE-D1, A2/6/10	1-H1/3/4/5 2-H2/4/5 3-H1/2/3 4-H1/2/4/5/6 5-H1/2/3/4/5/6 7-H1/2

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2649 (December 2003).

§719. Biotechnology in Agriculture

A. Standard. AgEd/FFA students will understand the concepts and principles of biotechnology and the

relationships biotechnology has with the agricultural environment.

B. Focus. This strand focuses on the study of interrelationships of science and technology and the impact of this technology on agriculture and agricultural products. This strand includes a focus on research and career opportunities.

C. BT? Biotechnology Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Basic concepts and applications of biotechnology	1. Defining biotechnology and the history of its development	N2/3/4/5/6	SI-A2/5/6 B1/2/3/4/5 LS-A1/2/3 B1/2/3/4	1-H4/5 2-H2/4/5 3-H1/2/3
		2. Applying the steps of the scientific method and developing record-keeping methods	M1/3/4 D1/3/5/7 N1/2/5/7	SI-A1/2/3/4/5 B1/2/3/4/5	2-H6 3-H1/2/3 5-H6 7-H4
		3. Analyzing the model of DNA model	G1 D1/3/5/7 N1/2/3/4/5/6	LS-B1	4-H2 5-H6
		4. Distinguishing between types of cell structure		PS-A1/2/3 B1	5-H2 7-H2
		5. Understanding the processes involved in the transfer of genetic information	G1 D1/3/5/7 N1/2/3/4/5/6/7	LS-B1/2/3/4	1-H4/5 7-H2/4
		6. Demonstrating the applications of biotechnology in agriculture	D3/5/7 N1/2/3/4/5/6/7	LS-D1/4	1-H4/5 5-H3
	B. Impacts and public issues of biotechnology	1. Understanding the benefits and concerns in biotechnology		LS-D1/4 G1/5	1-H3/4/5 4-H1
		2. Exploring ethical issues in biotechnology		SE-D1/2/6/9 SI-B1/2/3/4/5	1-H4/5 2-H1 3-H3 5-H1/2
		3. Distinguishing among types of companies and jobs available in the biotechnology industry			5-H1/2
	C. Processes and applications affecting the plant systems	1. Understanding the purposes for plant biotechnology		SE-B1/2/3/4 PS-D2	1-H4/5
		2. Distinguishing between plant breeding systems and genetic engineering of plants	D1/3/5/7 N1/2/3/4/5/6/7	LS-A1/2/3 B1/2/3/4 F1 PS-D2	1-H4/5 5-H1 7-H2/4
		3. Analyzing agriculture applications of plant and tissue culture	D1/3/5/7 N1/2/3/4/5/6/7	LS-A1/2/3 B1/2/3/4 PS-D2	1-H4/5 7-H1/2
	D. Processes and applications affecting animal systems	1. Understanding the purposes for animal biotechnology		LS-B1/3/4	1-H4
		2. Distinguishing between traditional animal breeding and genetic engineering of animals	D1/3/5/7 N1/2/3/4/5/6/7	LS-B1/3/4 1-H4/5	5-H1 7-H4/5
		3. Selecting ways to use biotechnology for making changes in animals an animal products		LS-B1/3/4	1-H4/5
	E. Microbial biotechnology in agriculture	1. Understanding microorganisms and relationships to food processing and the environment	D1/3/5/7 N1/2/3/4/5/6/7	SE-A8/9/10/11 C2 PS-D1 SE-A3/8/9/10	1-H4/5 5-H3
		2. Applying the types of fermentation systems	N1/2/3/4/5/6/7	PS-D1	7-H1/2
		3. Distinguishing the products of fermentation and their benefits	N1/2/6/7	PS-D1 SE-A3/8/9/10	1-H4/5 5-H1 7-H2

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2651 (December 2003).

§721. Animal Systems

A. Standard. AgEd/FFA students will understand the concepts and principles of animal science.

B. Focus. AgEd/FFA students will demonstrate necessary skills to obtain a job and to work effectively in the area of animal science. ("Other animals" referenced in the benchmarks below include fish, wildlife, equine, small animals, etc.)

C. AS? Animal Systems Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Selection of livestock, poultry, and other animals	1. Identifying and using systems for selecting and breeding livestock, poultry, and other animals	N1/3/4/5/6 G1/4 M1/2/3/4 D1/3/9	SI-A1/2/3/4/5/6 PS-B1 SE-A6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Anatomy and physiology of livestock, poultry, and other animals	1. Describing and understanding the anatomy and physiology of livestock, poultry, and other animals	N1/2/3/4/5/6/7 G1/6 M1/2/3/4 D1/2/3/4/5/6/7/ 8/9	SI-A1/2/3/4/5/6/7 LS-A1/2/3 B1/2/3/4 C1/2/3/4/5/6/7 F1/2/3	2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Reproduction of livestock, poultry, and other animals	1. Understanding reproduction of livestock, poultry, and other animals	N1/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/ 8/9	SI-A1/2/3/4/5/6/7 LS-A1/2/3 B1/2/3/4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	D. Nutrition of livestock, poultry, other animals	1. Determining nutritional needs of livestock, poultry, and other animals	N1/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/ 8/9	SI-A1/2/3/4/5/6/7	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	E. Environmental factors affecting livestock, poultry, and other animal systems	1. Identifying environmental factors affecting livestock, poultry, and other animal production systems	N1/2/3/4/5/6/7 A1/2/3 M1/2/3/4 D1/2/3/4/5/6/7/ 8/9 P1	SI-A1/2/3/4/5/6/7, B1/2/3/4/5 LS-B3/4, C6, D1/2/3/4, F3, G1/3/4 PS-A1/2, C1/2/4/5/6, D1/2/4 ESS-A1/2, B1, C3/4/5 SE- A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6, C2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	F. Diseases and parasites of livestock, poultry and other animals	1. Describing and identifying diseases and parasites of livestock, poultry, and other animals	N1/2/5/6/7 M1/3/4 D1/2/3/4/5/6/7/ 8/9 P1	S-A3/6 LS-G1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	G. Ethical issues related to livestock, poultry, and other animal systems	1. Discussing ethical issues related to livestock, poultry, and other animals		LS-G1/3/4 SE-C1/2/3/4/5 D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2652 (December 2003).

§723. Plant Systems

A. Standard. AgEd/FFA students will understand the concepts and principles of plant science.

B. Focus. This strand focuses on the study of the processes and environmental variables related to the successful growth and production of plants for food and fiber. This strand includes a focus on relating life, environmental and earth science concepts to real-life problems in plant production through the use of modern technology.

C. PS? Plant Systems Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Internal processes affecting plant growth and reproduction	1. Describing plant structures and functions		LS-A1/2, B1/2/3/4	2-H1/2
		2. Exploring growth processes		LS-A1/2, B1/2/3/4	2-H1/2
		3. Explaining asexual and sexual reproduction processes		LS-A1/2, B1/2/3/4	
		4. Developing and implementing genetic improvement systems	N1/2/3/4/5/6/7 A1/2/3/4 D1/2/3/4/5/6	LS-A1/2, B1/2/3/4 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	
	B. External environmental factors affecting plant growth and reproduction	1. Understanding relationships among moisture, temperature, air, and plant growth	N1/2/3/5/6/7 M1/2/3/4 A1	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9	
		2. Planning and implementing integrated pest management	M1/2/3/4 N1/2/3/4/5/6/7	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9 PS-D7	
		3. Applying sustainable production concepts and practices	N1/2/3/4/5/6/7 M4	ESS-C6 LS-D1/4 SE-A3/7/11, B3/4/5, C8, D1/9 PS-D2/7	
	C. Soil fertility	1. Understanding differences between soil and soil-less mixtures		ESS-A4, B2/4, C8 SE-B4	
		2. Understanding basic soil-plant relationships	ESS-A1/2/6, B1, C3/4/5/8 PS-D2/7 SE-B4		
		3. Determining liming and soil acidity relationships	M1/2/3/4 N1/2/3/4/5/6/7 A1	ESS-A1/2/6, B1, C3/4/5 PS-D2/7 SE-B4	
		4. Exploring the importance of soil fertility and soil management	N1/2/3/5/6	ESS-A1/2/6, B1,C3/4/5 PS-D2/3/7 SE-B4	2-H1/2
		5. Selecting and applying fertilizers	N1/3/4/5/6/7 M1/2/3/4 D7/8/9 P1/2/3/4/5 A1	ESS-A1/2/6, B1, C3/4/5 PS-D2/7 SE-B4	
	D. Plant production	1. Learning to identify the uses of plants		LS-B2, C1/2 SE-A4 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	
		2. Exploring the way plants grow and the environmental factors required	N1/2/3/4/5/6/7	LS-B2, C1/2 SE-A4 PS-D7	7-H1/2
		3. Understanding and implementing proper crop management	N1/2/3/4/5/6/7	LS-B3	
	E. Landscaping and Floriculture	1. Learning to properly identify and classify plants for landscape and floral design use		LS-B3	
		2. Evaluating the plant data for selection and placement (size, growth, habitat, pests, and cultivar)	N1/2/3/4/5/6/7 D1/2/5/7/8/9 M2/4	LS-B3	
		3. Developing landscaping plans and floral designs	A1/2/3/4 M1/2/3/4 G1/2/3/4/5/6	LS-B3	
	F. Crops of Louisiana	1. Understanding the role of modern-day crop production			2-H1/2/3/4/5/6 3-H1/2/3/4/5
		2. Understanding the differences among the various crops			1-H1/5 7-H1/2/4

		3. Understanding the concepts of conservation tillage and crop rotation	N1 SI-A1/2/3/5/6 ESS-A1/2/6, C3/4/5 SE-B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6		1-H1/3/4/5
	G Horticultural crops of Louisiana	1. Understanding the role of modern-day horticultural crop production			1-H1/3/4/5 2H1/2/3/4/5
		2. Understanding the differences among the various crops			1H1/3/4/5 2H1/2/3/4/5
	H. Agribusiness relating to crop production	1. Exploring the different career opportunities			1-H1/3/4/5 2-H1/2/3/4/5 4-H4/5/6
		2. Learning the basic record keeping practices	N3/4/5/7 A1/2/3/4 D1/2/5/6/7		1-H4/5 2-H2/6 5-H1/2/3/4/5/6
		3. Understanding the concepts and skills related to successful employment			2-H1/2/3/4/5/6 4-H1/2/3/4/5/6

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2653 (December 2003).

§725. Environmental Management

A. Standard. AgEd/FFA students will develop an understanding of the interrelationship between people, agriculture and the environment.

B. Focus: This strand focuses on utilization and conservation of environmental resources for multiple purposes through a study of maintaining, protecting, and harvesting these resources.

C. EM - Environmental Management Cross Reference (from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Universal impact of forestry	1. Identifying the major species of trees that are important to the forestry industry		LS-C1/4 SE-A10	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Exploring the multiple-use concept of forest management and forest products		SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-A1/2, B1/2/3, C3/4/7, D1/2/3/4/5/6/7, E1/2/3/4/5, F1/2 LS-A1/2/3, B1/2/3/4, C1/2/3/4/5/6/7	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		3. Investigating the impact of insects, diseases, fire, and laws that affect the forest industry		SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-D7, E1	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		4. Describing common methods used to reforest timber areas	M1/2/3/4 N1/2/3/4/5/6/7	SI-A1 LS-B4, D4 SE-A1/2/6/7/8/70, B2/4, C5, D3	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

		5. Describing the harvesting and marketing of forest products	M1/2/3/4 N1/2/3/4/5/6/7	SI-A1/2/3/4/5/6/7, B1, D4	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		6. Determining land and timber volumes	M1/2/3/4 N1/2/3/4/5/6/7 A1 G1/2/3/6	SI-A1/2/3/4/5/6/7, B1/2/3/4/5 PS-D2 SE-A1/2/6/4/8/10, B1/2/3, C4/5, D3/4/5	-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Wildlife management and conservation	1. Understanding wildlife production requirements, habitat analysis and valuation, and wildlife damage control	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Describing an ecosystem		LS-C5 SE-A2/4/6/7/10, C2	
		3. Explaining the policies, laws, funding and administration, and regulatory agencies of wildlife management, recreation, and conservation	N1/3/4	SE-B4/5/6, C4/5, D2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Environmental Quality	1. Understanding relationships among agriculture, water quality, and air quality	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B15	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Applying principles of soil, water, and air conservation	M1/2/3/4 N1/2/3/4/5/6/7	SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4/5, D1/2/3/4/5/6 SI-A1/2/3/4/5/6/7, B1/2/3/4/5	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		3. Understanding issues related to wetlands conservation and coastal erosion		SE-A2/6/7/8/9/10/11, B1/2/4/5/6, C4, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4

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§727. Agricultural Processing

A. Standard. AgEd/FFA students will develop an understanding of the processes of distributing, grading,

inspecting, processing, mixing, packaging, and storing of food and non-food products.

B. Focus. This strand focuses on the various processing steps and methods involved with the different agricultural products using modern technology.

C. AP - Agricultural Processing Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agricultural meat processing	1. Understanding and complying to federal and state standards	N1/3/6 A1/2 M1/2/3/4 G6 D1 P1/5	SI-A2/3 PS-A1,F1 LS-G2	1-H1/3/4/5 2-H1/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
		2. Explaining and analyzing the process of slaughtering, packaging and distributing	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/2/3/4/5	SI-A2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	B. Milk and dairy product processing	1. Explaining the handling, processing, and distributing of fresh milk and milk products	N1/2/3/6 A1/2/3/4 M1/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	C. Fruits and vegetable processing	1. Explaining the handling, manufacturing, and transporting of fresh, frozen, and canned fruits and vegetables	N1/3/4/5/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, D2/7, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	D. Grain crop processing	1. Understanding USDA regulatory programs	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
		2. Explaining the handling, processing, and distributing of grain crop products	N1/3/6 A1/2/3/4 M1/2/3/4 G6 D1 P1/5	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6
	E. Career awareness	1. Describing the various careers associated with agricultural processing and the occupational outlook	N1/3/6 A1/2/3/4 M1/2/3/4 D1	SI-A1/2/3 PS-A1, F1 LS-G2	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2656 (December 2003).

§729. Agriscience Technology

A. Standard. AgEd/FFA students will demonstrate technical skills that reflect successful business and industry practices.

B. Focus. This strand focuses on the study and use of agricultural power and energy, energy sources in agriculture, mathematics in agricultural welding technology, and agricultural structures and facilities.

C. AT - Agricultural Technology Cross Reference
(from grade 9 - 12 benchmarks, unless noted otherwise)

Local Plan	Benchmarks	Benchmark Component	Math	Science	English Language Arts
	A. Agriculture power and energy	1. Explaining the principles of electricity; terms, service entrances, meters, and circuits	N4/5/7 M1/2/3/4	PS-B3,E4,G2/4 ESS-A1	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-1/2/3/4
		2. Understanding the applications for lighting, heating, and selecting electric motors	M1/4 A1/3 G6	PS-E1/2, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4
		3. Working safely with electrical energy		PS-G4	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4 5-H6
		4. Developing skills in planning, estimating, selecting of materials, installing, testing and troubleshooting	N1/3/4/5/7 M1/4 G6	SI-A3	1-H1/3/4/5 2-H5 3-H1/2/3 4-1/2/3/4 5-H6
		5. Describing the principles of the internal combustion engine, including both two-stroke, four-stroke and diesel engines	N4/5	PS-E2/3, F1, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-1/2/3/4 5-H6
		6. Exploring the fundamentals of hydraulic power		PS-A1, E2/3, F1, G1/2/3	1-H1/3/4/5 4-H1/2/3/4
		7. Explaining and analyzing pneumatic power		PS-E2/3, F1, G1/2/3	1-H1/3/4/5 3-H1/2/3 4-H1/2/3/4
		8. Servicing trouble shooting, repairing, and overhauling of small engines	M1/3/4 N3/4/5/6	SI-A3 PS-E2/3, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 5-H6
		9. Explaining and demonstrating maintenance, operation and safety of tractor and lawn equipment	N3/4/5 M1/2/3/4	SE-D1/2/3/4 PS-E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H6
	B. Energy sources in agriculture	1. Describing primary nonrenewable sources of energy including coal, natural gas and petroleum		PS-E1/2/3, F1/2/3 ESS-A1/2/6, C3/4/5 SE-C3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6
		2. Understanding other sources of energy (ethanol, solar, etc.)		SE-A1/2/3/4/5/6/7/8/9/10/11, B1/2/3/4/5/6, C1/2/3/4/5, D1/2/3/4/5/6, ESS-A1/2/6, C3/4/5 PS-E1/2/3, F1, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3 5-H6
		3. Discussing issues related to federal and state regulation of energy sources		SE-C1/2/3/4/5, D1/2/3/4/5/6	1-H1/3/4/5 2-H1/2/3/4/5 3-H1/2/3 4-H1/2/3/4/5/6 5-H1/2/3/4/5/6 7-H1/2/4
	C. Mathematics in agriscience technology	1. Explaining and applying whole numbers, fractions, decimals and percentages in standard and metric form	M1/2/3/4 N1/4/5/6		1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6
		2. Explaining and solving problems involving perimeter, area, volume, ratio, and proportion	M1/2/3/4 N1/4/5/6 D1/2 G1/2/6		1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3 5-H6

		3. Using various measuring devices	M1/2/3/4 N1/2/3/4/5/6/7		1-H1/3/4/5 5-H6
	D. Agriscience welding technology	1. Identifying careers and appropriate work behavior in the welding industry			1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4/5/6 5-H6
		2. Identifying and applying skills in welding safety			1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3 5-H6
		3. Demonstrating basic competencies needed for applying welding skills	M1/2/3/4 G4/6 N3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	
		4. Demonstrating shielded arc welding skills (stick)	G4/6 M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	
		5. Describing and applying the different gas metal arc welding technology (wire feed welding), including short arc, flux core and inner shield	G4/6 M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	2-H4/5 4-H1/2/3
		6. Explaining the concepts, process and purpose of tungsten inert gas welding (TIG)	N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/	3 1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4
		7. Explaining and demonstrating the concepts, process and purposes of plasma arc cutting	M1/3/4 N1/3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H4/5 3-H1/2/3 4-H1/2/3/4
		8. Identifying and applying the safe set up, lighting, adjusting and usage of oxyfuel equipment	M1/3/4 N3/4/5/6	PS-C3, D7, E1/2/3, F1/2, G1/2/3	1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
	E. Agricultural structures and facilities	1. Planning, estimating and using building components in agricultural construction	M1/2/3/4 G1 D7 N1/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		2. Developing skills in estimating and applying paints	M1/2/3/4 G1 D7 N1/3/4/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		3. Developing skills in selection and use of surveying equipment	M1/2/3/4 G1/6 D7 N1/3/4/5/7		1-H1/3/4/5 3-H1/2/3 4-H1/2/3/4 5-H6
		4. Developing skills in planning, estimating and installing agricultural plumbing and/or irrigation systems	M1/2/3/4 G1/6 D7 N1/2/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6
		5. Developing skills in planning, estimating and placing concrete	M1/2/3/4 G1/6 D7 N1/2/3/4/5/6/7		1-H1/3/4/5 2-H5 3-H1/2/3 4-H1/2/3/4 5-H6

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2657 (December 2003).

§731. Annual Report/Plan for Louisiana Agriscience/Agribusiness/FFA

A. To be completed and submitted to Agriscience/Agribusiness/FFA Program Manager annually by July 1.

Date:	
To:	One copy submitted to AgEd/FFA State Office One copy submitted to school principal, local education authority supervisor Optional: copy to local superintendent, school board members, sponsors, parents, students, other interested individuals
From:	
School:	
Why:	Provide summary of year's activity, document program performance, highlight accomplishments, and present goals for next year

B. Mission Statement for Agriscience/Agribusiness/FFA Program. The Mission of the Agriscience/Agribusiness/FFA Program is to prepare and support individuals for careers; build awareness of and develop leadership for the food, fiber and natural resource systems; and sustain the viability of earth and people through education in agriculture. We value and desire to achieve this mission by:

1. providing instruction in and about agriscience, agribusiness, food and natural resource systems;
2. serving all populations;
3. developing the whole person;
4. responding to the needs of the economic and educational marketplace;

5. advocating free enterprise and entrepreneurship education;
6. functioning as a part of the total educational system;
7. connecting classroom and laboratory instruction with real-world life and career experiences; and
8. utilizing a proven educational process that includes
 - a. formal instruction in classrooms and laboratories;
 - b. site-based, experiential learning in supervised agricultural experience programs; and
 - c. leadership and personal development through the FFA.

C. Certification of Authenticity

I/We hereby certify that the enclosed Annual State FFA Plan/Report and the information contained herein are true and accurate to the best of my/our knowledge.

Agriscience/Agribusiness/FFA
Teacher Name(s)
(Print or Type)

Ag. Certified (Yes or No)

Signature(s)

Date

Approved: _____
Principle

Approved: _____
LEA Supervisor

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2659 (December 2003).

§733. Program Activities

Performance past year	Activity	Next year's goals	Comments
1	Course Enrollment:		
2	Grade 6-8 Courses:		
3	Exploratory Agriscience		
4	1 Carnegie Unit Courses:		
5	Agriscience/Agribusiness I		
6	Agriscience/Agribusiness II		
7	Agriscience/Agribusiness III		
8	Agriscience/Agribusiness IV		
9	Agriscience Lab III		
10	Agriscience Lab IV		
11	2 Carnegie Unit Courses:		
12	Cooperative Agricultural Education (Note: must be taken with Agriscience III or IV)		
13	1/2 Carnegie Unit Courses:		
14	Agricultural Entrepreneurship		
15	Agricultural Construction		
16	Agricultural and Environmental Applications		
17	Animal Production		
18	Crop Production		
19	Equine Science		
20	Food and Fiber Systems		
21	Forestry		

22	Horticulture		
23	Introduction to Aquaculture		
24	Introduction to Agribusiness		
25	Personal Development		
26	Small Engines		
27	Welding		
28	Approved Special Electives:		
29			
30			
31	Total enrollment (duplicated count)		
32	Total enrollment (unduplicated count):		
33	Grades 9-12		
34	Grades 7-8		
35	# of chartered FFA chapters in your school (Gold and Blue)		
36	# of FFA chapter meetings held		
37	# of dues paying FFA members:		
38	Grades 9-12		
39	Grades 7-8		
40	# of FFA members receiving the Greenhand Degree		
41	# of FFA members receiving the Chapter FFA Degree		
42	# of FFA members applying for the State FFA Degree		
43	# of FFA members nominated for American FFA Degree		
44	# of local FFA proficiency awards earned by students		
45	# of state FFA proficiency awards earned by students		

46		# of FFA members attending Louisiana FFA convention		
47		# of FFA members attending National FFA Convention		
48		# of students engaged in a supervised agricultural experience program (SAEP): <---Enter totals from next 8 lines here.---->		
49		# who own/operate animal program		
50		# who own/operate plant program		
51		# who own/operate agriculture business		
52		# who work in an animal program		
53		# who work in a plant program		
54		# who work in an agribusiness		
55		# who work in the school labs		
56		# who have no SAEP		
57		# of students visited in conducting 12 month program		
58		# of students exhibiting livestock:		
59		Local show(s)		
60		District show		
61		State show		
62		# of students participating in Food for America Program		
63		# of students participating in PALS Program		
64		# of students participating in Area Camp		
65		# of students participating in Washington Leadership Conference		
66		# of students participating in Made for Excellence Program (MFE)		
67		# of students attending chapter banquet		
68		# of students applying for Superintendent's or Governor's Awards for livestock production		
69		# of students on the honor roll		
70		# of community members used in classes		
71		# of field trips conducted		

72	Public relations:			
73		# of elementary school programs conducted		
74		# of middle-school programs conducted		
75		# of activities conducted for other high school programs		
76		# of open houses or community days held		
77		# of AgEd/FFA program advisory council meetings conducted		
78		# of community improvement projects completed		
79		# of TV news stories aired about this program		
80		# of radio news programs aired about this program		
81		# of state/national newspaper stories printed about this program		
82		# of local newspaper stories printed about this program		
83		# of student speaking engagements about this program		
84		# of displays promoting this program		
85	yes no	Did your chapter apply for the AgEd/FFA Student Award?	yes no	
86	yes no	Did you apply for the AgEd/FFA Teacher Award?	yes no	
87	yes no	Did you apply for the Outstanding Young Teacher Award?	yes no	
88	yes no	Did your chapter apply for the Livestock Exhibition Award?	yes no	
89	yes no	Did you participate in the LVATA/SDE in-service for AgEd/FFA teachers?	yes no	
90	yes no	Did your FFA chapter apply for a National Chapter Award?	yes no	

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2660 (December 2003).

§735. Career Development Events

Indicate (?) your Chapter's HIGHEST level of participation in the following activities.

	Event	Local	Sub-district	District	Area	State	National
1	Contests:						
2	Dairy Cattle						
3	Dairy Products						
4	Electricity						
5	Farm Business Management						
6	Floriculture						
7	Forestry						
8	Horse Judging						
9	Livestock Judging						
10	Meats Judging						

	Event	Local	Sub-district	District	Area	State	National
11	Nursery/Landscape						
12	Poultry						
13	Small Engines						
14	Soils Judging						
15	Welding						
16	Leadership Events:						
17	Extemporaneous Speaking						
18	Prepared Public Speaking						
19	Gulf Of Mexico Prepared Public						
20	Speaking						
21	Parliamentary Law						
22	FFA Officer Candidate(s)						

List Your Five Major Accomplishments for This Year.

- 1.
- 2.
- 3.
- 4.
- 5.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2661 (December 2003).

Weegie Peabody
Executive Director

0312#033

RULE

Board of Elementary and Secondary Education

Bulletin 107? Health Occupations Content Standards Curriculum Framework (LAC 28:LXIX.Chapters 1-9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 107? Health Occupations Content Standards Curriculum Framework*. Bulletin 107 will be printed in codified format as Part LXIX of the Louisiana Administrative Code. The health occupations standards will assist teachers in preparing students for the workplace. This action will provide health occupations standards.

Title 28 EDUCATION

Part LXIX. Bulletin 107? Health Occupations Content Standards Curriculum Framework

Chapter 1. General

§101. Introduction

A. Health Occupations Education in Louisiana is composed of subject matter and clinical learning experiences designed to prepare students with competencies required to assist qualified health professionals in providing diagnostic, therapeutic, preventive, and rehabilitative services to patients in health care facilities and in the community. Like many states, Louisiana is facing a shortage of health care professionals, particularly in rural areas. Training nurses, doctors, dentists, and allied health professionals requires students who have an interest in science and technology and who enjoy working with people. Health care offers an array of career opportunities that is continually expanding.

B. The health occupations education programs vary throughout the state, but they can be grouped into the following occupational cluster areas: Allied Health, Dental, Emergency Medical Services, Medical Information Systems, Nursing, and Physician Services. Clinical articulations among educational institutions and health care facilities are integral and critical components of these educational programs. There is an effective integration of didactic and clinical learning which is a result of contract affiliations among the secondary educational institutions and the health care agencies.

C. Both nationwide and statewide, there are regulations that have been established and administered as a means of safeguarding the public against unqualified health care workers. These regulatory procedures include certification, registration, and licensure in certain health occupations. There are several industry-based certifications taught within the secondary education system: nursing assistant, emergency first responder, dental radiology (certification received in dental assistant course), professional provider CPR, and OSHA certification (dental assistant course). These students, who obtain certification upon completion of various health science related courses, are essentially employable upon their meeting the mandated course criteria and skill standards. Requiring high standards in all areas of education supports efforts to improve and enhance education in Louisiana. What teachers teach and how they teach should be organized around established standards, while student assessment should be based on benchmarks relating to these standards. For health science education at the secondary level, industry specific skill standards based on National Health Care Skill Standards (NHCSS) have been designed. This document provides a guideline to be utilized by school systems throughout the state in the development of local curricula. Based upon approved curricula, course content, instruction, and assessment, methods should be approached by the individual teacher at the school level.

D. The hierarchal framework for development of these standards includes the following: subject area, strands, standards, benchmarks, and suggested exemplar performance activities. *Health Occupations* is the *subject area* or content area for this document. A *strand* is a category of knowledge as it applies to a specific subject area. *Standards* are described as general statements of expected learner achievement within each strand. A *benchmark* describes learner expectations: that is, what a student should know and be able to do. Exemplars of things a student could do to demonstrate achievement of the benchmark are sample

performance activities. The hierarchal structure overview is as follows.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, IR 29:2662 (December 2003).

§103. Hierarchic Structure of Subject Area

A. Strands, Standards, Benchmarks, and Performance Activities

	Definition	Example
Subject Area	domain or content area	Health Occupations
Strand	major category	1.0 Communication
Standard	description of what students should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of their education	2.1 Health Occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.
Benchmark	broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress	5. Adapt to individual needs, including paraphrasing or translating.
Sample Performance Activity	exemplar of things students could do to demonstrate achievement of the benchmark	Students will role play situations in which they must provide information to a variety of clients

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2663 (December 2003).

§105. Louisiana Content Standards Foundation Skills*

A. The following foundation skills have been identified as essential competencies needed to meet the demands of the classroom and the world beyond. These skills apply to all students in all disciplines.

1. **Communication.** A process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. **Problem Solving.** The identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. **Resource Access and Utilization.** The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. **Linking and Generating Knowledge.** The effective use of cognitive processes to generate and link knowledge

across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. **Citizenship.** The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2663 (December 2003).

§107. Information Literacy Model for Lifelong Learning*

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as a part of a team. Therefore, information literacy, the ability to recognize an information need, and then locate, evaluate, and use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. **Defining/Focusing:** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources:** After students have decided what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. **Extracting and Recording:** Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. **Processing Information:** After recording information, students must examine and evaluate the data in

order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information: Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2663 (December 2003).

§109. The Role of Skill Standards in Education and Workforce Preparation

A. In the face of a thriving global economy, expectations for workforce preparation have shifted over the past decade. At least two factors are influencing the shift. The first is that today's complex workplace demands workers who are more flexible and more highly skilled than ever before. The second is a fear that the U.S. may be losing its competitive edge to nations that are more successful in training their workforce to meet high-level standards.

B. Concerns over workforce preparation have been echoed by worries about educational achievement. An alarm bell sounded in the 1980's when the U.S. Department of Education report, *A Nation at Risk*, alerted the country to the need to upgrade academic achievement levels and set a broad program for doing so. The response to this and other critical documents was a new national reform effort represented by several reports and pieces of legislation, such as *America 2000: An Education Strategy* (which set goals for students to acquire "world class" academic and career preparation skills as a means of enhancing national economic well-being) and the *Carl D. Perkins Vocational*

and Applied Technology Education Act of 1990 (which initiated federal efforts to reshape vocational education). Another closely related reform initiative is represented by the U.S. Department of Labor's 1991 report from its *Secretary's Commission on Achieving Necessary Skills* (SCANS). The SCANS report expressed concerns that American students lack basic academic skills, knowledge about the work world, and the ability to adjust to a changing environment. The report set forth standards deemed necessary for success in a high performance workplace: i.e., the modern workplace characterized by teamwork and a goal orientation. SCANS laid much of the groundwork for a national movement promoting the use of voluntary skill standards. The standards developed by the National Health Care Skills Standards Project overlap with SCANS, but they are specific to the health services industry (Table 1).

C. Concern about the effectiveness of schools in preparing students for the workplace led to increasing calls for greater accountability. In turn, this concern also led to an emphasis on the development of skill standards, which have become the focus of numerous national and state initiatives. For example, the *Goals 2000: Educate America Act* called for states to develop challenging standards systems. It further established a National Skills Board to oversee the development and use of national skill standards. In summary, well articulated skill standards are key to the national strategy to upgrade worker skills and increase American economic competitiveness. With the utilization of skill standards, educators and industry can work together to produce work-ready, entry-level employees whose efficiency, productivity, and flexibility will compete favorably in the global market.

D. Table1. Summary of SCANS Employability Skills and the National Health Care Core Skill Standards SCANS Foundation Skills SCANS Competencies: Ability to Use.

Health Care Core Standards	Basic Skills	Thinking Skills	Personal Qualities	Resources	Inter-Personal Skills	Information	Systems	Technology
Academic Foundation	*	*				*	*	
Communication	*	*	*		*	*		
Systems		*		*	*		*	
Employability Skills	*	*	*		*			*
Legal Responsibilities		*	*			*	*	
Ethics		*	*	*	*	*	*	
Safety Practices	*	*	*	*	*			*
Teamwork	*	*	*	*	*		*	

*Indicates areas where NHCSSP core standards overlap with SCANS, but are specific to the health services industry.

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§111. SCANS Foundation Skills and Workplace Competencies

A. Listed below are the foundation skills and workplace competencies identified by the SCANS commission and published in its first report, *What Work Requires of Schools: A SCANS Report for America 2000*, a publication of the U.S. Department of Labor, June 1991. Health Occupations educators are encouraged to incorporate the SCANS skills and competencies throughout the curriculum.

1. SCANS Three-Part Foundation Skills

Basic Skills	Reads, writes, performs arithmetic and mathematical operations, listens, and speaks
Reading	locates, understands, and interprets written information in prose and in documents such as manuals, graphs, and schedules to perform tasks
Writing	communicates thoughts, ideas, information, and messages in writing; and creates documents such as letters, directions, manuals, reports, graphs, and flow charts
Arithmetic/Mathematics	performs basic computations and approaches practical problems by choosing appropriately from a variety of mathematical techniques
Listening	receives, attends to, interprets, and responds to verbal messages and other cues
Speaking	organizes ideas and communicates oral messages appropriate to listeners and situations
Thinking Skills	Thinks creatively, makes decisions, solves problems, visualizes, knows how to learn, and reasons
Creative Thinking	uses imagination freely, combines ideas or information in new ways, makes connections between seemingly unrelated ideas, and reshapes goals in ways that reveal new possibilities
Decision Making	specifies goals and constraints, generates alternatives, considers risks, and evaluates and chooses best alternative
Problem Solving	recognizes problems, devises and implements plan of action, evaluates and monitors progress, and revises plan as indicated by findings
Seeing Things in the Mind's Eye	organizes and processes symbols, pictures, graphs, objects, and other information
Knowing How to Learn	uses efficient learning techniques to acquire and apply new knowledge and skills in both familiar and changing situations
Reasoning	discovers a rule or principle underlying the relationship between two or more objects and applies it when solving a problem
Personal Qualities Displays	responsibility, self-esteem, sociability, self management, and integrity and honesty
Responsibility	exerts a high level of effort and perseveres toward goal attainment through high standards, attention to details, work, concentration and high standards of attendance, punctuality, enthusiasm, vitality, and optimism
Self-Esteem	believes in own self-worth and maintains a positive view of self
Sociability	demonstrates understanding, friendliness, adaptability, empathy, and politeness in group settings
Self-Management	assesses self accurately, sets personal goals, monitors progress, and exhibits self-control
Integrity/Honesty	can be trusted and chooses an ethical course of action

2. Five Workplace Competencies

Resources	identifies, organizes, plans, and allocates resources
Time	selects goal-relevant activities, ranks them, allocates time, and prepares and follows schedules
Money	uses or prepares budgets, makes forecasts, keeps records, and makes adjustments to meet objectives
Material and Facilities	acquires, stores, allocates, and uses materials or space efficiently
Human Resources	assesses knowledge and skills and distributes work accordingly, evaluates performance, and provides feedback
Interpersonal	works with others
Participates as Member of a Team	works cooperatively with others and contributes to group effort
Teaches Others New Skills	helps others learn
Serves Clients/Customers	works to satisfy customers' expectations
Exercises Leadership	communicates ideas to justify position, persuades and convinces others, and responsibly challenges existing procedures and policies
Negotiates	works toward agreements involving exchange of resources, resolves divergent interests
Works with Diversity	works well with men and women from diverse backgrounds
Information	acquires and uses information
Acquires and Evaluates Information	identifies need for data, obtains or creates data, and evaluates their relevance and accuracy
Organizes and Maintains Information	organizes, processes, and maintains written or computerized records and other forms of information in a systematic fashion
Interprets and Communicates Information	selects and analyzes information and communicates the results to others
Uses Computers to Process Information	employs computers to, acquire, organize, analyze, and communicate information
Systems	understands complex interrelationships
Understands Systems	knows how social, organizational, and technological systems work and operates effectively with them
Monitors and Corrects Performance	distinguishes trends, predicts impacts on system operations, diagnoses deviations in systems' performance, and corrects malfunctions
Improves or Designs Systems	suggests modifications to existing systems and develops new or alternative systems to improve performance
Technology	works with a variety of technologies
Selects Technology	chooses procedures, tools, or equipment including computers and related technologies to produce the desired results
Applies Technology to Task	understands overall intent and proper procedures for setup and operation of equipment
Maintains and Troubleshoots Equipment	prevents, identifies, or solves problems with equipment, including computers and other technologies

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Chapter 3. National Health Care Skill Standards Project

§301. Background Context

A. The National Health Care Skill Standards Project brought together an innovative group of health, industry, labor, and educational organizations to develop skill standards for health care workers. The project, conducted in 1992–1996, was directed by WestEd (formerly Far West Laboratory). As one of the original 22 pilot projects sponsored by the U.S. Department of Labor and Education to identify skill standards for different industries, WestEd partnered with a host of organizations, including the National Consortium of Health Science and Technology Education, the Service Employees International Union, and over 100 industry and education organizations. These diverse groups were convened with the goal of improving the nation's health care system by identifying and disseminating information on those skills required to deliver high quality health care.

B. Over the past 10 years, health care has been one of the nation's fastest growing industries, currently accounting for approximately 13 percent of the U.S. Gross Domestic Product. According to recent reports of the Bureau of Labor Statistics, over nine percent of the total workforce is employed in the health care field. Rapid technological and biomedical advances have made the U.S. health care system the finest in the world. Yet it faces many challenges in the decades ahead, including an increasingly diverse client population, remodeled delivery systems, and new technology. To meet such challenges, health services of tomorrow must be radically different from those of today. Inpatient care will come to mean "intensive care." If current trends continue, most care will be delivered in outpatient centers or even in the client's home.

C. The decade of the 1990's has brought increasing awareness that revisions in health care delivery and financing are needed. Health care reform proposals have been written at the national, state, and organizational levels all across the nation. The ultimate goal is to deliver quality care at a price society can afford. To achieve this goal, one element of health care reform stands out as fundamental and essential: the education and training of the nation's over 10 million health care workers. Their level of knowledge and skill is critical. The National Health Care Skills Standards Project was a cooperative effort that resulted in national standards for the health care industry. These standards describe skills essential and appropriate for workers in health services. Furthermore, it has provided important information on how these standards can be tailored and implemented for local use in a variety of industry and educational applications. Educational institutions can apply the standards as a framework for linking academic curricula to actual teaching practices, school-to-work, secondary education to post-secondary education, and students to their community. In using the standards to develop curricula and assessments, educators can be confident that their students are well-prepared to find jobs and to be successful in building careers.

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§303. Standards for All Health Care Workers

A. The National Health Care Skill Standards are a broad set of standards that serve as a foundation for occupations and functions across the health services. These standards specify the knowledge and skills that the vast majority of health care workers should have. They are as follows.

1. Health care workers will know the academic subject matter required for proficiency within their area. They will use this knowledge as needed in their role.

2. Health care workers will know the various methods of giving and obtaining information. They will communicate effectively, both in speaking and in writing.

3. Health care workers will understand how their role fits into their department, their organization, and the overall health care environment. They will identify how key systems affect services they perform and quality of care.

4. Health care workers will understand how employability skills enhance their employment opportunities and job satisfaction. They will demonstrate key employability skills and will maintain and upgrade skills, as needed.

5. Health care workers will understand their legal responsibilities, limitations, and the implications of their actions within the health care delivery setting. They will perform their duties according to regulations, policies, laws, and legislated rights of clients.

6. Health care workers will understand accepted ethical practices with respect to cultural, social, and ethnic differences within the health care environment. They will perform their duties within established ethical guidelines, supporting sensitive and quality health care delivery.

7. Health care workers will understand the existing and potential hazards to clients, coworkers, and self. They will prevent injury or illness through safe work practices and follow health and safety policies and procedures.

8. Health care workers will understand the role and responsibilities of individual members as part of the health care team, including their ability to promote the delivery of quality health care. They will interact effectively and sensitively with all members of the health care team.

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§305. Standards for Direct Client Care

A. These standards apply to therapeutic and diagnostic occupations and functions. The standards focus, for the most part, on direct client care.

1. Therapeutic and diagnostic workers will understand the fundamentals of wellness and the prevention of disease processes. They will encourage the practice of preventive health behaviors among their clients.

2. Therapeutic and diagnostic workers will understand how to explain planned procedures and goals to clients. They will use various strategies to respond to client's questions and concerns.

3. Therapeutic and diagnostic workers will understand how to communicate client information within a team. They will convey this information to appropriate team members in a timely manner.

4. Therapeutic and diagnostic workers will understand the process for monitoring client health status. They will

assess health status according to respective professional standards and report results to the treatment team.

5. Therapeutic and diagnostic workers will understand the principles of body mechanics for positioning, transferring, and transporting clients. They will perform these activities efficiently and without injury to clients or self.

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§307. Standards for Therapeutic Cluster

A. These standards apply to occupations or functions involved primarily in changing the health status of the client over time. The standards specify the knowledge and skills that the worker in the therapeutic cluster should have.

1. Therapeutic workers will understand the facility protocol and guidelines for collecting data.

2. They will participate in identifying client health care needs, strengths and problems, and report results.

3. Therapeutic workers will understand the general purpose and components of the treatment plan. They will assist in planning procedures according to facility protocol.

4. Therapeutic workers will understand the procedures within their scope of practice and the ways that these procedures relate to the goals and objectives of the treatment plan. They will complete procedures accurately and in a timely fashion, supporting the treatment team.

5. Therapeutic workers will know the client's needs, strengths, and problems. They will assist in the evaluation of client status in order to determine whether treatment goals are being reached.

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§309. Standards for Diagnostic Cluster

A. These standards apply to occupations or functions involved primarily in creating a picture of the health status of the client at a single point in time. The standards specify the knowledge and skills that the worker in the diagnostic cluster should have.

1. Diagnostic workers will understand the components and implications of requests for procedures. They will read the requests for services and plan when and how to implement the services.

2. Diagnostic workers will know the steps of procedural set-ups. They will prepare the supplies, equipment, and client for procedures, according to facility protocol.

3. Diagnostic workers will understand the logic and sequences of the procedures, including alternative methods. They will perform procedures to create precise and accurate products.

4. Diagnostic workers will understand the principles of quality assurance. They will continuously evaluate the procedures and their products.

5. Diagnostic workers will understand the need for precise, accurate, and timely reporting. They will produce and report results using appropriate communication channels.

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§311. Standards for Information Services Cluster

A. These standards apply to occupations or functions that document client care. The standards specify the knowledge and skills that workers in the information services cluster should have.

1. Information service workers will know the quantitative and qualitative requirements for client information. They will analyze that information for various purposes.

2. Information service workers will know how to read and interpret a medical record, using knowledge of medical terminology. They will extract required information from the medical record.

3. Information service workers will understand the sources, routes, and flow of information within the health care environment. They will contribute to the design and implementation of new or revised systems or processes within their scope of work.

4. Information service workers will understand the content and multiple uses of health information. They will document appropriate information.

5. Information service workers will understand the operations used to enter, retrieve, and maintain information. They will use health information equipment and materials safely and efficiently in daily operations.

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§313. Standards for Environmental Services Cluster

A. These standards apply to occupations or functions involving direct or indirect client care that create a therapeutic environment for providing that care. The standards specify the knowledge and skills that workers in the environmental services cluster should have.

1. Environmental service workers will understand the responsibilities of their assigned role. They will perform their tasks safely, following established internal and external guidelines.

2. Environmental service workers will know the work practices that maintain a clean and healthy environment. They will follow recommended practices to reduce or eliminate pathogenic organisms.

3. Environmental service workers will understand the principles and techniques of resource management. They will ensure the careful use of available resources to make timely decisions.

4. Environmental service workers will understand the importance of maintaining an environment that is aesthetically appealing. They will uphold facility standards for service, maintenance, and upkeep.

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Chapter 5. Curriculum

§501. Curriculum Development and Design

A. Job restructuring is a fact of life in today's continually changing health care industry. New health care roles demand a higher level of skill than ever before. Anticipating the increasing breadth of knowledge required by health care workers, the National Health Care Skills Standards Project developed standards that have been broadly drawn and that reflect higher-order thinking and performance skills. To train future health care workers to meet these standards, educators in all settings must rethink the ways in which they design curricula and courses.

B. Since the NHCSSP standards are neither basic skills checklists nor duty-task lists, but are instead broad statements of what students should know and be able to do to provide quality health care, they provide a template or starting point for the development and design of curriculum. Suggested steps for standards-based curriculum design are as follows:

1. establish project goals;
2. examine the standards;
3. consult with industry and labor partners;
4. investigate existing materials;
5. identify learning outcomes;
6. create course outline;
7. create individual lesson plans.

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§503. Health Occupations Strands and Standards

Overview

A. Health Occupations Strands

- Strand 1.0 Academic Foundation
- Strand 2.0 Communication
- Strand 3.0 Health Care Systems
- Strand 4.0 Employability Skills
- Strand 5.0 Ethics and Legal Responsibilities
- Strand 6.0 Safety Practices/Infection Control
- Strand 7.0 Interpersonal Skills and Teamwork
- Strand 8.0 Procedure Implementation

Strands	Standards
1. Academic Foundation	1.1 Health occupations students will know the subject matter required for proficiency within their area and utilize this knowledge as needed in their role.
2. Communication	2.1 Health occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.
3. Health Care System	3.1 Health occupations students will understand how their role fits into the overall health care environment. 3.2 Health occupations students will identify how key systems affect services performed and quality of care.
4. Employability Skills	4.1 Health occupations students will understand how employability skills enhance their employment opportunities and career satisfaction. 4.2 Health occupations students will demonstrate key employability skills and will maintain and upgrade skills as needed.

5. Ethics and Legal Responsibilities	5.1 Health occupations students will understand their legal responsibilities, limitations, accepted ethical practices, and the implications of their actions within the health care environment. 5.2 Health occupations students will perform their duties according to regulations, policies, laws, ethical codes, and legislated rights of patients, residents, and clients.
6. Safety Practices/ Infection Control	6.1 Health occupations students will understand the rationale, regulations, recommendations, and training that govern safety practices and infection control in health care facilities. 6.2 Health occupations students will prevent injury or illness by following approved health and safety policies and procedures.
7. Interpersonal Skills and Teamwork	7.1 Health occupations students will understand the role and responsibilities of each member of the health care team and interact professionally.
8. Procedure Implementation	8.1 Health occupations students will perform procedures within their scope of career-specific practice, utilizing criteria as established by governmental agencies and industry-specific standards.

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§505. Strand 1.0: Academic Foundation

A. Standard 1.1 Health Occupations students will know the subject matter required for proficiency within their area and utilize this knowledge as needed in their role.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Read and write proficiently.	ELA 1-1, 2, 3, 4, 5	1, 2, 3, 4, 5
2. Interpret charts, graphs, reports, and manuals.*	2-3, 4, 5, 6 3-1, 2, 3	
3. Perform mathematical operations, including computations and conversions, weights and measures.*	5-1, 2, 3, 4, 6 Math N-1, 2, 3, 4, 5, 6, 7	
4. Master use of health care terminology, symbols, and abbreviations specific to career area.	A-1, 2, 3, 4 M-1, 2, 4 G-6 D-1, 2, 3, 6, 7, 8, 9	
5. Apply knowledge of life sciences such as biology, anatomy and physiology, chemistry, physics, and human growth and development.*	P-2, 3, 4 Science PS-A2, C1, D7 LS-A1, B2, C6, C7, E3, F1, F2, F4, G1, G2, G3, G4, G5	
6. Utilize knowledge of disease processes relating to body systems.*	SE-A11	
7. Research the history and current trends specific to career health occupations.	Social Studies E-A-3	
8. Identify career challenges, responsibilities, and specific health occupations skills.	E-C-3 H-A-2, 5	

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§507. Strand 2.0: Communication

A. Standard 2.1 Health Occupations students will use appropriate verbal and nonverbal communication to establish an effective therapeutic relationship.

B. Standard 3.2 Health Occupations students will identify how key systems affect services performed and quality of care.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Recognize the importance of effective communication. 2. Evaluate others' ability to communicate and comprehend.* 3. Demonstrate a knowledge of attitudes and behaviors that act as communication barriers. 4. Identify elements necessary for meaningful communication to take place. 5. Adapt to individual needs, including paraphrasing or translating.* 6. Demonstrate an understanding of multicultural and multilingual needs and capabilities.* 7. Use tools of communication specific to each facility's policy and procedures. 8. Access and process electronically produced information. 9. Practice confidentiality in all facets of communication.*	ELA 3-1, 2 4-1, 2, 3, 4, 5, 6 5-4 7-1, 2 Math N-1, 2, 3, 4, 5, 7 A-1, 3, 4 M-4 D-2, 7, 8 Science SI-A3, A6, B3, B5 ESS-D7 SE-D2 Social Studies G-B-2 G-C-6 H-B-7, 16, 17 H-C-3	1, 2, 3, 4, 5

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§509. Strand 3.0: Health Care Systems

A. Standard 3.1 Health Occupations students will understand how their role fits into the overall health care environment.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Explain the organizational structure in health care facilities. 2. Utilize facility resources, staff, policy, and procedure manuals.* 3. Participate in career and technological student organizations, such as VICA and HOSA.	ELA 1-1, 2, 3, 4, 5 4-1, 2 5-1, 2, 6 7-1, 4 Math D-3, 8 Science LS-C5, D3, E3 SE-A7, A10 Social Studies C-A-1, 4, 7 C-B-1 C-D-3, 4	1, 2, 3, 4, 5

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Explain the array of services available to clients, patients, and residents. 2. Identify methods of reimbursements affecting the quality of health care delivery.	ELA 1-1, 3, 4, 5 4-1, 2, 4, 6 5-2 7-1, 2, 4 Math M-4 D-7, 8, 9 Science SI-B3 LS-D3, D4, G4, G5 SE-A10 Social Studies E-A-1, 4, 7 E-B-1, 2, 3 E-C-4	1, 2, 3, 4, 5

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§511. Strand 4.0: Employability Skills

A. Standard 4.1 Health Occupations students will understand how employability skills enhance their employment opportunities and career satisfaction.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Research various health occupations, career opportunities, employer expectations, and employment outlook. 2. Investigate various health occupations career options and educational requirements. 3. Contrast certification, registration, and licensure.*	ELA 1-1, 2, 3, 4, 5 2-1, 2, 3, 4 3-1, 2, 3 4-1, 4 5-1, 2, 3, 4, 5 7-4 Math A-1 D-1, 3, 8 Science SI-A1, A2, A3, B3, B5 LS-D3 SE-A10 Social Studies E-A-3 E-B-2, 6 H-C-15	1, 2, 3, 4, 5

B. Standard 4.2 Health Occupations students will demonstrate key employability skills and will maintain and upgrade skills as necessary.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Utilize analytical skills to solve problems and make decisions regarding employment.* 2. Exhibit personal skills, such as attendance, time management, and individual responsibility. 3. Demonstrate professional conduct, integrity, and appearance. 4. Acquire technology skills. 5. Practice flexibility in adapting to changing situations. 6. Develop and complete professional portfolio.	ELA 1-1, 2, 3, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5 7-1, 2 Math N-1, 2 M-4 D-1, 8 Science SI-B3 LS-D3 SE-B4, B5, B6 Social Studies G-B-4 C-A-1, 4 E-A-6 H-C-15	1, 2, 3, 4, 5

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§513. Strand 5.0: Ethics and Legal Responsibilities

A. Standard 5.1 Health Occupations students will understand their legal responsibilities, limitations, accepted ethical practices, and the implications of their actions within the health care environment.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Understand malpractice, negligence, and other liability issues. 2. Demonstrate an understanding of the importance of the Patient's Bill of Rights and Code of Ethics.* 3. Contrast "Scope of Practice" for specific careers. 4. Recognize the significance of patients', residents', and clients' confidentiality.*	ELA 1-1, 3, 4, 5 3-2 4-1, 4, 6 5-2, 3 Science LS-D3, F3, F4 SE-A10 Social Studies C-A-5 D-1, 2, 3	1, 2, 3, 4, 5

B. Standard 5.2 Health Occupations students will perform their duties according to regulations, policies, laws, ethical codes, and legislated rights of patients, residents, and clients.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Operate within the scope of practice.* 2. Comply with legal requirements for documentation. 3. Report any activity that adversely affects the health, safety, or welfare of clients or fellow workers. 4. Recognize and respect the patient's rights associated with religious and cultural differences. 5. Promote justice and equal treatment for all persons. 6. Maintain patient confidentiality.	ELA 1-3 2-1, 2, 4 3-1, 2, 3 7-1, 2, 4 Science LS-G1, G2, G4, G5 SE-A10, A11, C2, C3, C4, C5 Social Studies C-A-4, 5 D-1, 2, 3	1, 2, 3, 4, 5

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§515. Strand 6.0: Safety Practices/Infection Control

A. Standard 6.1 Health Occupations students will understand the rationale, regulations, recommendations, and training that govern safety practices and infection control in health care facilities.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Identify the functions of OBRA, OSHA, and other governing agencies. 2. Describe OSHA mandates and Standard Precautions to control the spread of infection and prevent injury. 3. Identify principles for proper body mechanics for patient and self. 4. Identify proper procedures in the event of fire and other emergencies.	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 3, 4, 6 7-1, 2 Math N-1 A-1 M-1, 4 Science SE-C5 PS-G4, F1, G3, D7 LS-C4, C7 SE-C1 Social Studies C-A-1, 2, 3, 4, 5, 7	1, 2, 3, 4, 5

B. Standard 6.2 Health Occupations students will prevent injury or illness by following approved health and safety policies and procedures.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills
1. Demonstrate standard precautions to control the spread of infection. 2. Safely operate commonly used equipment. 3. Demonstrate proper emergency procedures and protocols. 4. Apply the principles of proper body mechanics for patient and self. 5. Comply with pertinent regulatory guidelines.	ELA 1-1, 3, 4, 5 5-1 7-2, 4 Math N-1 A-1 M-4 Science PS-G4 LS-B2, B3, C4, C7, E3, G1, G3 ESS-D6 SE-D3 Social Studies C-A-1, 2, 4, 5 C-D-1, 2	1, 2, 3, 4, 5

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§517. Strand 7.0: Interpersonal Skills and Teamwork

A. Standard 7.1 Health Occupations students will understand the role and responsibilities of each member of the health care team and interact professionally.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Respect interdisciplinary, cultural, and religious differences among team members and health care recipients. 2. Practice team membership skills, such as cooperation, leadership, and communication. 3. Effectively manage conflict within the workplace.* 4. Interact consistently within the facility guidelines and lines of authority.	ELA 1-1, 2, 3, 4, 5 2-1, 2 3-1, 2, 3 4-1, 2, 3, 4, 6 6-1 7-1, 2, 4 Math M-4 D-7, 8 Science SE-D1, D2 LS-F4 SE-A8, A10 Social Studies C-B-1, 3 C-C-2 H-A-1, 6 H-C-3	1, 2, 3, 4, 5

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§519. Strand 8.0: Procedure Implementation

A. Standard 8.1 Health Occupations students will perform procedures within their scope of career-specific practice, utilizing criteria as established by governmental agencies and industry-specific standards.

Benchmarks *Denotes benchmarks that encourage critical thinking.	Academic Cross-References	Louisiana Foundation Skills
1. Gather necessary equipment and supplies for specific procedure. 2. Perform procedures accurately in a timely manner. 3. Clean and properly maintain equipment and work area. 4. Document and report all actions, observations, and results of procedures to instructor/supervisor. 5. Make suggestions to supervisor regarding procedure modifications, if appropriate.*	ELA 1-3, 4, 5 2-2, 6 3-1, 2, 3 4-1, 2, 4, 6 5-1 7-2 Math N-1, 2, 3, 4, 5, 7 A-1 M-4 Science LS-D2, F3 SE-B5, C3, D2, D5, D6 Social Studies E-C4 H-A-4, 5 H-B-3, 9, 16	1, 2, 3, 4, 5

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§521. Secondary Health Occupations Curriculum Course Titles

Course Code Number	Course Title	Recommended Grade Level	Units	Bulletin
090100	Allied Health	9-12	1/2 or 3	1635
090201	Dental Assistant I	10-12 1, 2, or 3	1635	
090202	Dental Assistant II	11-12	2 or 3	1635
090211	Nursing Assistant/Geriatric Aide	9-12	1, 2, or 3	1635
090210	Pre-Nursing (Introduction to Nursing)	9-12	1, 2, or 3	1635
090212	Medical Office Assistant (Physician's Office)	9-12	1, 2, or 3	1635
090220	Home Health Aide	9-12	1, 2, or 3	1635
090600	Hospital Ward Clerk	9-12	1, 2, or 3	1635
090960	Medical Terminology for the Health Professional	9-12	1 or 2	1635
090931	Health Occupations General Cooperative	12	2 or 3	1635
090921	Health Services I	10-12	1, 2, or 3	1635
090922	Health Services II	11-12	1, 2, or 3	1635
090930	Introduction to Health Occupations I	9-12	1, 2, or 3	1635
090933	Introduction to Health Occupations II	9-12	1, 2, or 3	1635
090901	Introduction to Health Science I	9-12	1, 2, or 3	1635
090902	Introduction to Health Science II	10-12	1, 2, or 3	1635

090903	Introduction to Health Science III (Respiratory Therapy Assisting, Occupational Therapy Assistant, Physical Therapist Assisting)	12	1, 2, or 3	1635
090940	Introduction to Emergency Medical Technician (CPR)	9-12	1/2 or 1	1635
090950	Introduction to Health Insurance as a Career	10-12	1/2, 1, or 2	1635
090230	Psychiatric Aide	9-12	1/2, 1, or 2	1689
090962	Medical Specialties	9-12	1/2 or 3	1635

Note: Level I courses shall be prerequisites for Level II courses.

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§523. Health Occupations Career Majors and Course Titles

A. Health Occupations Career Majors

Course Titles	Allied Health	Dental	Emergency Medical Services	Medical Information Systems	Nursing	Physician Services
Allied Health	*		*	*		
Dental Assistant I		*				*
Dental Assistant II		*				*
Health Occupations Gen. Coop.	*	*	*	*	*	*
Health Services I	*	*	*	*	*	*
Health Services II	*	*	*	*	*	*
Home Health Aide	*		*	*		
Hospital Ward Clerk	*		*	*		
Intro. Emergency Medicine (CPR)	*	*	*		*	*
Intro. Health Science I	*	*	*	*	*	*
Intro. Health Science II	*	*	*	*	*	*
Intro. Health Science III	*	*	*	*	*	*
Intro. Health Insurance				*		
Intro. Health Occupation I	*	*	*	*	*	*
Intro. Health Occupation II	*	*	*		*	*
Medical Specialties	*	*	*	*	*	*
Medical Terminology	*	*	*	*	*	*
Medical Office Assisting			*		*	
Nursing			*		*	
Pre-Nursing	*					
Psychiatric Aide						

*indicates courses in career major areas

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Chapter 7. Referenced Content Standards

§701. General

A. The Health Occupations Content Standards listed in this document were reinforced by cross referencing with academic standards in the areas of English-Language Arts, mathematics, science, and social studies. A comprehensive list of academic standards utilized, along with area specific codes, are listed below.

B.1. The five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force which apply to all students in all disciplines were also referenced in the Health Occupations Content Standards. The foundation skills are:

- a. communication;
- b. problem solving;
- c. resource access and utilization;
- d. linking and generating knowledge; and
- e. citizenship.

2. All referenced content area standards and benchmarks relate to students in grades 9-12.

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§703. Area Specific Codes

A. English/Language Arts (ELA). The standard number is given; then the benchmark number.

B. Mathematics. The strand letter is given; then the benchmark number.

- N Number and Number Relations
- A Algebra
- M Measurement
- G Geometry
- D Data Analysis, Probability, and Discrete Math
- P Patterns, Relations, and Functions

C. Science. The strand letter is given; then the benchmark letter and number are given.

- SI Science As Inquiry
- PS Physical Science
- LS Life Science
- ESS Earth and Space Science
- SE Science and the Environment

D. Social Studies. The strand letter is given; then the benchmark letter and number are given.

- G Geography
- C Civics
- E Economics
- H History

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§705. Standards

A. English Language Arts (ELA)

Standard One: Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

1? Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies

2? Analyzing the effects of complex literary devices and complex elements on a selection

3? Reading, responding to, and critiquing written, spoken, and visual texts

4? Interpreting texts to generate connections to real-life situations

5? Applying reading strategies to achieve a variety of objectives

Standard Two: Students write competently for a variety of purposes and audiences.

1? Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order

2? Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose

3? Applying the steps of the writing process, emphasizing revising and editing in final drafts

4? Using narration, description, exposition, and persuasion to develop various modes of writing

5? Recognizing and applying literary devices and various stylistic elements

6? Responding to text and life experiences as a basis for writing

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

1? Writing legibly

2? Using the grammatical and mechanical conventions of standard English

3? Spelling accurately using strategies and resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

1? Speaking intelligibly

2? Giving and following directions/procedures

3? Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations

4? Speaking and listening for a variety of audiences and purposes

5? Listening and responding to a wide variety of media

6? Participating in a variety of roles in group discussions

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

1? Recognizing and using organizational features of printed text, other media, and electronic information

2? Locating and evaluating information sources

3? Accessing information and conducting research using outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics

4? Using available technology to produce, revise, and publish a variety of works

5? Citing references using various formats

6? Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flow-charts

Standard Six: Students read, analyze, and respond to literature as a record of life experiences.

1? Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups

- 2? Analyzing distinctive elements of ancient, American, British, and world literature
- 3? Identifying, analyzing, and responding to a variety of classic and contemporary literature from many genres
- 4? Analyzing various genres as records of life experiences

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

- 1? Using comprehension strategies in all contexts
- 2? Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information
- 3? Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view
- 4? Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations

B. Mathematics

(N) Number and Number Relations: In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

- N.1? Demonstrating an understanding of number systems
- N.2? Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation
- N.3? Using number sense to estimate and determine reasonableness of solutions
- N.4? Determining whether an exact or approximate answer is necessary
- N.5? Selecting and using appropriate computational methods for given situations
- N.6? Applying ratios and proportional thinking in a variety of situations
- N.7? Justifying reasonableness of solutions and verifying results

(A) Algebra: In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

- A.1? Demonstrating the ability to translate real-world situations into algebraic expressions, equations, and inequalities
- A.2? Recognizing the relationship between operations involving real numbers and operations involving algebraic expression
- A.3? Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities
- A.4? Solving algebraic equations and inequalities using appropriate techniques

(M) Measurement: In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of the concepts, processes, and real-life applications of measurement.

- M.1? Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error of measurement
- M.2? Demonstrating an intuitive sense of measurement

M.3? Estimating, computing and applying physical measurement using suitable units

M.4? Demonstrating the concept of measurement as it applies to real-world experiences

(G) Geometry: In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

- G.1? Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures
- G.2? Representing and solving problems using geometric models and the properties of those models
- G.3? Solving problems using coordinate methods, as well as synthetic and transformational methods
- G.4? Using inductive reasoning to predict, discover, and apply geometric properties and relationships
- G.5? Classifying figures in terms of congruence, similarity, and applying these relationships
- G.6? Demonstrating deductive reasoning and justification

(D) Data Analysis, Probability, and Discrete Math: In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

- D.1? Designing and conducting statistical experiments that involve collecting and representing data in various forms
- D.2? Recognizing data that relate two variables as linear, exponential, or otherwise in nature
- D.3? Using simulations to estimate probability
- D.4? Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures
- D.5? Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities
- D.6? Demonstrating the concept of distributions and recognizing normal and non-normal distributions
- D.7? Making inferences from data that are organized in charts, tables, and graphs
- D.8? Demonstrating logical thinking procedures such as flow charts and truth tables
- D.9? Using discrete math to model real-life situations

(P) Patterns, Relations, and Functions: In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

- P.1? Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology
- P.2? Translating between tabular, symbolic, and graphical representations of functions
- P.3? Recognizing behavior of elementary functions and using graphing technologies to represent them
- P.4? Analyzing the changes in the graphs of functions caused by changing the coefficients and constants of arbitrary functions using technology whenever appropriate
- P.5? Analyzing real-world relationships that can be modeled locally or globally by elementary functions

C. Science

(SI) Science As Inquiry: Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A: The Abilities Necessary to do Scientific Inquiry

- 1? Identifying questions and concepts that guide scientific investigations
- 2? Designing and conducting scientific investigations
- 3? Using technology to improve investigations and communications
- 4? Formulating and revising scientific explanations and models using logic and evidence
- 5? Recognizing and analyzing alternative explanations and models
- 6? Communicating and defending a scientific argument
- 7? Utilizing science safety procedures during scientific investigations

Benchmark B: Understanding Scientific Inquiry

- 1? Understanding that scientists usually base their investigations on existing questions or causal/functional questions
- 2? Understanding that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, prediction of current theories, and comparison of models and theories
- 3? Understanding that scientists rely on technology to enhance the gathering and manipulation of data
- 4? Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions
- 5? Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists

(PS) Physical Science: Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

Benchmark A: Measurement and Symbolic Representation

- 1? Manipulating and analyzing quantitative data using the SI system
- 2? Understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles

Benchmark B: Atomic Structure

- 1? Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes)
- 2? Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay)
- 3? Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom

Benchmark C: The Structure and Properties of Matter

- 1? Distinguishing among elements, compounds, and/or mixtures
- 2? Discovering the patterns of physical and chemical properties found on the periodic table of the elements

- 3? Understanding that physical properties of substances reflect the nature of interactions among its particles
- 4? Separating mixtures based upon the physical properties of their components
- 5? Understanding that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds
- 6? Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures
- 7? Using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases

Benchmark D: Chemical Reactions

- 1? Observing and describing changes in matter and citing evidence of chemical change
- 2? Comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators
- 3? Writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.)
- 4? Analyzing the factors that affect the rate and equilibrium of a chemical reaction
- 5? Applying the law of conservation of matter to chemical reactions
- 6? Comparing and contrasting the energy changes that accompany changes in matter
- 7? Identifying important chemical reactions that occur in living systems, the home, industry, and the environment

Benchmark E: Forces and Motion

- 1? Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear)
- 2? Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically
- 3? Understanding effects of forces on changes in motion as explained by Newtonian mechanics
- 4? Illustrating how frame of reference affects one's ability to judge motion

Benchmark F: Energy

- 1? Describing and representing relationships among energy, work, power and efficiency
- 2? Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications

Benchmark G: Interactions of Energy and Matter

- 1? Giving examples of the transport of energy through wave action
 - 2? Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce
 - 3? Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans
 - 4? Explaining the possible hazards of exposure to various forms and amounts of energy
- (LS) Life Science: Students become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

Benchmark A: The Cell

- 1? Observing cells, identifying organelles, relating structure to function, and differentiating among cell types
- 2? Demonstrating a knowledge of cellular transport

3? Investigating cell differentiation and describing stages of embryological development in representative organisms

Benchmark B: The Molecular Basis of Heredity

- 1? Explaining the relationship among chromosomes, DNA, genes, RNA, and proteins
- 2? Comparing and contrasting mitosis and meiosis
- 3? Describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression
- 4? Exploring advances in biotechnology and identifying possible positive and negative effects

Benchmark C: Biological Evolution

- 1? Exploring experimental evidence that supports the theory of the origin of life
- 2? Recognizing the evidence for evolution
- 3? Discussing the patterns, mechanisms, and rate of evolution
- 4? Classifying organisms
- 5? Distinguishing among the kingdoms
- 6? Comparing and contrasting life cycles of organisms
- 7? Comparing viruses to cells

Benchmark D: Interdependence of Organisms

- 1? Illustrating the biogeochemical cycles and explaining their importance
- 2? Describing trophic levels and energy flows
- 3? Investigating population dynamics
- 4? Exploring how humans have impacted ecosystems and the need for societies to plan for the future

Benchmark E: Matter, Energy, and Organization of Living Systems

- 1? Comparing and contrasting photosynthesis and cellular respiration, emphasizing their relationships
- 2? Recognizing the importance of the ATP cycle in energy usage within the cell
- 3? Differentiating among levels of biological organization

Benchmark F: Systems and the Behavior of Organisms

- 1? Identifying the structure and functions of organ systems
- 2? Identifying mechanisms involved in homeostasis
- 3? Recognizing that behavior is the response of an organism to internal changes and/or external stimuli
- 4? Recognizing that behavior patterns have adaptive value

Benchmark G: Personal and Community Health

- 1? Relating fitness and health to longevity
 - 2? Contrasting how organisms cause disease
 - 3? Explaining the role of the immune system in fighting disease
 - 4? Exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure
 - 5? Researching technology used in prevention, diagnosis, and treatment of diseases/disorders (ESS)
- Earth and Space Science

Benchmark A: Energy in the Earth System

- 1? Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems
- 2? Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature
- 3? Explaining fission and fusion in relation to the Earth's internal and external heat sources
- 4? Explaining how decay of radioactive isotopes and the gravitational energy from the Earth's original formation generate the Earth's internal heat

5? Demonstrating how the Sun's radiant energy causes convection currents within the atmosphere and the oceans

6? Describing the energy transfer from the Sun to the Earth and its atmosphere as it relates to the development of weather and climate patterns

7? Modeling the transfer of the Earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates

Benchmark B: Geochemical Cycles

- 1? Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms
- 2? Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements

Benchmark C: The Origin and Evolution of the Earth System

- 1? Explaining the formation of the solar system from a nebular cloud of dust and gas
- 2? Estimating the age of the Earth by using dating techniques
- 3? Communicating the geologic development of Louisiana
- 4? Examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere
- 5? Explaining that natural processes and changes in the Earth system may take place in a matter of seconds or develop over billions of years

Benchmark D: The Origin and Evolution of the Universe

- 1? Identifying scientific evidence that supports the latest theory of the age and origin of the universe
- 2? Describing the organization of the known universe
- 3? Comparing and contrasting the sun with other stars
- 4? Identifying the elements found in the sun and other stars by investigating the spectra
- 5? Describing the role of hydrogen in the formation of all the natural elements
- 6? Demonstrating the laws of motion for orbiting bodies
- 7? Describe the impact of technology on the study of Earth, the solar system, and the universe

(SE) Science and the Environment: In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

Benchmark A: Ecological Systems and Interactions

- 1? Demonstrating an understanding of the functions of Earth's major ecological systems
- 2? Investigating the flow of energy in ecological systems
- 3? Describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans)
- 4? Understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery
- 5? Describing the dynamic interactions between divisions of the biosphere
- 6? Describing and explaining the Earth's biochemical and geochemical cycles and their relationship to ecosystem stability

- 7? Comparing and contrasting the dynamic interaction with the biosphere
- 8? Analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments
- 9? Demonstrating an understanding of influencing factors of biodiversity
- 10? Explaining that all species represent a vital link in a complex web of interaction
- 11? Understanding how pollutants can affect living systems

Benchmark B: Resources and Resource Management

- 1? Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations
- 2? Explaining how natural resources affect humans and how humans affect natural resources
- 3? Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources
- 4? Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences
- 5? Comparing the benefits and the costs of various resource management methods
- 6? Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective
- 7? Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs

Benchmark C: Environmental Awareness and Protection

- 1? Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment
- 2? Evaluating the relationships between quality of life and environmental quality
- 3? Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological and political considerations
- 4? Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors
- 5? Analyzing how public support effects the creation and enforcement of environmental laws and regulations

Benchmark D: Personal Choices and Responsible Actions

- 1? Demonstrating an understanding of the effects of personal choices and actions on the natural environment
- 2? Describing how a healthy environment depends upon responsible human actions
- 4? Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns
- 5? Explaining that responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives
- 6? Demonstrating a knowledge that environmental issues should be an international concern

- 7? Recognizing that philosophies, objectives, and practices of various types of resource management are sometimes incompatible, often necessitating compromises and tradeoffs
- 8? Recognizing that the development of accountability toward the environment is essential for the continued health of the planet
- 9? Developing an awareness of personal responsibility as stewards of the local and global environment

D. Social Studies

(G) Geography: Physical and Cultural Systems: Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

Benchmark A: The World in Spatial Terms

- 1? Using geographic representations, tools, and technologies to explain, analyze and solve geographic problems
- 2? Organizing geographic information and answering complex questions by formulating mental maps of places and regions

Benchmark B: Places and Regions

- 1? Determining how social, cultural, and economic processes shape the features of places
- 2? Analyzing the ways in which physical and human characteristics of places and regions have affected historic events
- 3? Analyzing the different ways in which physical and human regions are structured and interconnected
- 4? Explaining and evaluating the importance of places and regions to cultural identity

Benchmark C: Physical and Human Systems

- 1? Analyzing the ways in which Earth's dynamic and interactive physical process affect different regions of the world
- 2? Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems
- 3? Analyzing trends in world population numbers, patterns, and predicting their consequences
- 4? Analyzing the characteristics, distribution, and interrelationships of the world's cultures
- 5? Describing and evaluating spatial distribution of economic systems and how they affect regions
- 6? Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth

Benchmark D: Environment and Society

- 1? Evaluating the ways in which technology has expanded the human capability to modify the physical environment
- 2? Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges
- 3? Analyzing the relationship between natural resources and the exploration, colonization, and settlement of different regions of the world
- 4? Evaluating policies and programs related to the use of natural resources
- 5? Developing plans to solve local and regional geographic problems related to contemporary issues

(C) Civics: Citizenship and Government: Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in

the world while learning about the rights and responsibilities of citizenship.

Benchmark A: Structure and Purposes of Government

- 1? Analyzing the necessity and purposes of policies and government
- 2? Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each
- 3? Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system
- 4? Explaining the organization and functions of local, state, and national governments and evaluating their relationships
- 5? Evaluating the role and importance of law in the American political system
- 6? Examining the major responsibilities of the national government for domestic and foreign policy
- 7? Explain how government is financed through taxation

Benchmark B: Foundations of the American Political System

- 1? Analyzing ideas and origins of the American constitutional government and evaluating how these have helped to shape American society
- 2? Explaining constitutional and democratic beliefs in American society and applying them to the analyses of issues of conflicting beliefs and principles
- 3? Analyzing the nature of American political and social conflicts
- 4? Evaluating issues related to the differences between American ideals and the realities of American social and political life
- 5? Evaluating the roles of political parties, campaigns, and elections in American politics
- 6? Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics

Benchmark C: International Relationships

- 1? Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States
- 2? Analyzing the major foreign policy positions of the United States and evaluating their consequences
- 3? Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments of the United States

Benchmark D: Roles of the Citizen

- 1? Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens
- 2? Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy
- 3? Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy
- 4? Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy

(E) Economics: Interdependence and Decision Making: Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households,

businesses, and governments in the United States and the world.

Benchmark A: Fundamental Economic Concepts

- 1? Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result
- 2? Analyzing the roles that production, distribution, and consumption play in economic decisions
- 3? Applying the skills and knowledge necessary in making decisions about career options
- 4? Comparing and evaluating basic economic systems
- 5? Explaining the basic features of market structures and exchanges
- 6? Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems
- 7? Analyzing the roles of money and banking in an economic system
- 8? Applying economic concepts to understand and evaluate historical and contemporary issues

Benchmark B: Individuals, Households, Businesses, and Governments

- 1? Identifying factors that cause changes in supply and demand
- 2? Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system
- 3? Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy
- 4? Analyzing the causes and consequences of worldwide economic interdependence
- 5? Evaluating the effects of domestic policies on international trade
- 6? Analyzing Louisiana's role in the world economy

Benchmark C: The Economy as a Whole

- 1? Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate
- 2? Explaining how interest rates, investments, and inflation/deflation impact the economy
- 3? Analyzing unemployment and income distribution in a market economy
- 4? Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy

(H) History: Time, Continuity, and Change: Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

Benchmark A: Historical Thinking Skills

- 1? Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity
- 2? Explaining and analyzing events, ideas, and issues within a historical context
- 3? Interpreting and evaluating the historical evidence presented in primary and secondary sources
- 4? Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
- 5? Conducting research in efforts to analyze historical questions and issues
- 6? Analyzing cause/effect relationships

Benchmark B: United States History

- 1? Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas

- 2? Summarizing the process by which the United States was colonized and later became an independent nation
- 3? Analyzing the development of the American constitutional system
- 4? Tracing territorial expansion and reform movements in the United States
- 5? Analyzing the origins, major events, and effects of the Civil War and Reconstruction
- 6? Analyzing the development of industrialization and examining its impact on American society
- 7? Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted
- 8? Evaluating the significance of the Progressive Movement
- 9? Analyzing the rise of the labor and agrarian movements
- 10? Explaining the changing role of the United States in world affairs through World War I
- 11 Analyzing the significant changes that evolved in the United States between World War I and the Great Depression
- 12? Analyzing the causes, developments, and effects of the Great Depression and the New Deal
- 13? Analyzing the origins, events, and results of World War II
- 14? Examining and summarizing key developments in foreign and domestic policies during the Cold War era
- 15? Analyzing the economic, political, social, and cultural transformation of the United States since World War II
- 16? Explaining the major changes that have resulted as the United States has moved from an industrial to an information society
- 17? Analyzing developments and issues in contemporary American society
- 18? Discussing and demonstrating an understanding of recent developments in foreign and domestic policies

Benchmark C: World History

- 1? Analyzing the development of early human communities and civilizations
- 2? Making generalizations about the cultural legacies of both the ancient river and the classical civilizations
- 3? Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions
- 4? Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas
- 5? Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa
- 6? Analyzing the impact of transoceanic linking of all major regions of the world
- 7? Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions
- 8? Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally
- 9? Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americans
- 10? Analyzing the impact that political revolutions and new ideologies had on societies around the world
- 11? Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies

- 12? Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination
- 13? Analyzing the causes and international consequences of World War I, World War II, and other 20th century conflicts
- 14? Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II
- 15? Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends

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Chapter 9. Definitions

§901. Glossary

Academic Cross-Reference? a reference to related academic content Standards.

AHEC? Area Health Education Center.

Articulation? the process of linking two or more educational systems to produce a smooth flow of students from one institution to another without experiencing delays, duplication of courses, or loss of credit.

Assessment? a process through which evidence is gathered in a range of content areas to determine both a student's understanding and ability to apply that understanding.

Benchmark? a broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

Certification? a statement attesting some fact, especially the status and qualifications of the person holding it.

CNA? certified nursing assistant.

Code of Ethics? relating to morality of behavior, conforming with an accepted standard of behavior.

CPR? cardiopulmonary resuscitation.

Emergency First Responder? first person on the scene to provide care.

HOSA? health Occupations Students of America.

Licensure? a right formally granted in writing by an authority.

NHCSS? National Health Care Skill Standards.

OBRA? Omnibus Budget Reconciliation Act of 1987.

OSHA? United States Occupational Safety and Health Administration.

Performance Activities? actions students could perform to demonstrate achievement of a benchmark.

Registration? the placement of requested data on formal or official record.

SCANS? secretary's commission on Achieving Necessary Skills.

Scope of Practice? extent or range of acceptable practices.

Standard Precautions? practices used in health care facilities to prevent the spread of infection via blood, body fluids, secretions, excretions, mucous membranes, and non-intact skin.

Standards? descriptions of what students should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of their education.

Strand? major category.

Subject Area? domain or content area.

VICA? Vocational Industrial Clubs of America.

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0312#034

RULE

Board of Elementary and Secondary Education

Bulletin 108? Marketing Education Content Standards Curriculum Framework (LAC 28:LXXI.Chapters 1-9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 108? Marketing Education Content Standards Curriculum Framework*. Bulletin 108 will be printed in codified format as Part LXXI of the Louisiana Administrative Code. The proposed Marketing standards will assist teachers in preparing students for the workplace. The action is being proposed to provide Marketing standards.

Title 28 EDUCATION

Part LXXI. Bulletin 108? Marketing Education Content Standards Curriculum Framework

Chapter 1. Marketing Education

§101. Standards for Marketing Education*

A. Marketing Education is a distinct discipline that integrates academic concepts and technology applications throughout the curriculum.

1. Academic Concepts. The study of marketing incorporates many academic understandings, including mathematics, reading, writing, speaking, sociology, psychology, geography, etc.

2. Technology Applications. The successful implementation of marketing-activities requires the use of technology.

B. The marketing education curriculum is divided into two primary parts: Foundations and Functions.

1. Foundations are basic skills that are necessary for all students to be successful; they are closely linked to the Louisiana Foundation Skills. These Marketing Foundations must be mastered in order for the Marketing Functions to have relevance for students. The four broad-based foundational skills in marketing are as follows:

- a. business, management, and entrepreneurship;
- b. communication and interpersonal skills;
- c. economics;
- d. professional development.

2. Functions define the discipline of marketing as applied in business operations. They address marketing from the perspective of how it is practiced. Each function is viewed from its relationship to the marketing of a good, service, or idea. The eight functions are as follows:

- a. distribution;
- b. product/service;

- c. management;
- d. financing;
- e. promotion;
- f. pricing;
- g. selling;
- h. marketing Information Management.

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§103. What Is Marketing?

A.1. The American Marketing Association (AMA), an international organization of marketing professionals, defines *marketing* as:

- a. the process of planning and executing the conception, pricing, promotion; and
- b. distribution of ideas, goods, and services to create exchanges that satisfy individual and organizational objectives.

2. This definition indicates that marketing is a process than involves a variety of activities designed to change behaviors or influence ideas. These activities include, but are not limited to, advertising, logistics, marketing research, product design, and selling.

B. Historically, marketing has been characterized as dynamic and changing. However, the pace at which it is changing has accelerated due to environmental shifts in the business world: downsizing, outsourcing, mergers, international competition, world markets, and technological innovations. These changes impact the skills, attitudes, and abilities needed for success in today's workplace. Marketing professionals are involved in major decisions affecting American and international business organizations and their success. Marketing helps to shape the world economy.

C. Marketing is a multi-faceted, critical business function that is undergirded by such social sciences as economics, psychology, and sociology. Its successful performance depends on the application of mathematics and English/language arts principles, the use of scientific problem solving, and the application of technology to marketing situations and problems. In the 21st century, economic survival in business will depend on the ability to understand and execute marketing skills. Today we market not only goods, but also ideas, causes, places, services, performances, groups, and people.

D. Effective marketing education programs provide the application of mathematics, communications, psychology, economics, technology, and specific product and service knowledge in conjunction with human resource skills in problem solving, decision making, conflict resolution, group dynamics, and goal setting. All students in a democratic society need to understand the processes and procedures involved with marketing. Those planning to enter a marketing career field need in-depth instruction in the foundations and functions of marketing.

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§105. What Is Marketing in Louisiana?

A. Students in Louisiana are entering a complex global economy in which they must be able to participate fully and effectively. Developing critical-thinking skills is essential for the student to be an involved and productive member of society. Creative problem solving, team dynamics, and critical thinking are reflected in this standards document for instruction in marketing education classrooms in Louisiana. The economy in Louisiana is as diverse and technology-driven as the national economy; the marketing education curriculum is designed to prepare students to face the challenges of today's world by encouraging them to become life-long learners.

B. Many course titles related to retailing and marketing fall under the "marketing umbrella." In 2000-2001, the Louisiana annual school report statistics provided by the Bureau of Information Management System reported ten different marketing-related courses taught by 112 staff members, representing enrollment of over 8,000* students. Course titles included Advertising, Marketing Management, Tourism and Lodging, and Specialty Marketing. Most courses are designed for eleventh or twelfth-grade students, but career paths in some schools provide entry-level marketing instruction for ninth and tenth graders.

C. Curricula in marketing classes in Louisiana range from studying marketing for personal use and career exploration to developing advanced management and entrepreneurial skills. Many students take advantage of the cooperative programs that provide paid, work-based learning in marketing related jobs. Other students may be mentored by a professional in the field, have job-shadowing opportunities, or work in non-paid, short-term positions for "real world" work experiences.

D. Marketing education programs provide options for all students, both traditional and non-traditional. Marketing education students in Louisiana are members of DECA, the student organization. They demonstrate their mastery of the marketing curriculum in competitive events at the state and national levels. DECA develops leadership skills and provides awareness of civic responsibilities.

*Student enrollment reflects duplicate numbers in some cases.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2681 (December 2003).

§107. Cooperative Education in Marketing

A. Marketing Education programs were among the first in the career and technical area to provide opportunities for work-based learning. Senior Marketing Education students in most schools are able to participate in paid on-the-job training in retail or other marketing-related businesses. Credit is given by the high school for the cooperative education work experience. Local school district guidelines determine the number of hours credit that the student may earn.

B. The Marketing teacher/coordinator works closely with the business supervisor to develop a training plan that

outlines what the student will learn on the job. It is closely aligned with what is being taught in the classroom to build a solid connection between school and work. The student is given a grade for on-the-job training that becomes a part of the teacher's evaluation of student performance.

C. Credit for cooperative students in Marketing courses is granted based upon these guidelines.

1. A training agreement issued by the Louisiana Department of Labor must be on file; this training plan is developed by the student, the marketing teacher/coordinator and the employer and is signed by the teacher, student, parent and employer.

2. The place of employment is directly related to the student's chosen course of study.

3. The student's cooperative learning program is systematically evaluated by the teacher/coordinator and workplace supervisor.

4. The student is paid by the employer at minimum wage or more.

5. The student has satisfactory attendance and classroom performance.

D. The goals of cooperative education training are as follows:

1. the student will demonstrate an understanding of marketing practices and procedures through real-life work experiences; and

2. the student will apply the foundation skills outlined in Marketing Standards and Benchmarks.

E. For juniors or other non-working students, coordinators are encouraged to make "learning come to life" through job shadowing, workplace mentors, unpaid internships, and/or school-based enterprises.

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Chapter 3. Implementing the Standards through DECA

§301. What Is DECA?

A. DECA, formerly "Distributive Education Clubs of America," is a national organization of marketing students; it is designed to be not extracurricular but *co-curricular* in nature. All marketing programs are strongly encouraged to sponsor a DECA chapter to supplement and enhance the learning opportunities for marketing students. DECA is an integral part of the classroom instructional program. DECA members include students who are interested in preparing for marketing, entrepreneurial, and management careers.

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§303. What Is DECA's Mission?

A. "The mission of DECA is to enhance the co-curricular education of students with interests in marketing, management, and entrepreneurship. DECA helps students develop skills and competence for marketing careers, build self-esteem, experience leadership, and practice community service. DECA is committed to advocacy of marketing education and the growth of business and education partnerships."

B. To accomplish this mission, DECA utilizes a variety of activities that include competitive events, on-the-job experience, and chapter projects. All of these activities are designed to emphasize academic and vocational excellence as building blocks that will launch students into successful marketing and management careers. To accomplish this mission, DECA adheres to a number of goals that include the following:

1. to prepare marketing education students to take their proper places in the business world;
2. to develop leadership characteristics;
3. to develop self-confidence and self-acceptance;
4. to develop a greater understanding of our competitive, free-enterprise system;
5. to further develop occupational competencies needed for careers in marketing, management, and entrepreneurship;
6. to develop high ethical standards in personal and business relationships;
7. to develop effective international relationships;
8. to develop greater awareness of career opportunities in marketing;
9. to develop greater proficiency in communication;
10. to develop greater appreciation of the responsibilities of citizenship;
11. to develop a healthy competitive spirit;
12. to develop social and business etiquette.

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§305. What Is DECA's History?

A. DECA is a non-profit organization founded in 1946; it is governed by an elected Board of Directors. Members received support and guidance from the National Advisory Board, which is comprised of the Congressional Advisory Board, made up of members of the U.S. Congress, and representatives from major U.S. corporations and business that support DECA's mission. DECA has grown from a handful of members to over 180,000 nationwide. Organized around the goals of improving education and career opportunities and of remaining on the cutting edge of educational innovation, DECA continues to grow.

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§307. What Is DECA's Competitive Edge?

A. Another part of the DECA program is the competitive events program. These events are designed to enable students to engage in activities that will extend their interests and competencies for careers in marketing and other business-related fields. Students will use what they have learned in the classroom and on the job to measure their progress against other students from around the state and the nation. Competitive events are divided into individual events

and team events. Goals of the competitive events national competition are as follows:

1. to contribute to the development of competencies needed for careers in marketing, merchandising, and management;
2. to evaluate student achievement of the competencies through careful measurement devices;
3. to provide opportunities for student and group recognition;
4. to provide constructive avenues for individual or group expression, initiative, and creativity;
5. to motivate students to assume responsibility for self-improvement and self-discipline;
6. to provide a vehicle for students to demonstrate their acquired competencies through individual and/or group activities;
7. to assist students in acquiring a realistic self-concept through individual and/or group activities;
8. to help students to participate in an environment of cooperation and competition;
9. to provide visibility for the educational goals and objectives of Marketing Education.

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Chapter 5. Strands, Standards, and Benchmarks

§501. Strand: Business, Management, and Entrepreneurship

A. Standards

- 1.1 Demonstrate an understanding of business fundamentals.
- 1.2 Analyze business risk.
- 1.3 Demonstrate an understanding of the fundamental functions of marketing management.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

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§503. Strand 1.0: Business, Management, and Entrepreneurship

A. Standard 1.1 Demonstrate an understanding of business fundamentals.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe marketing functions. 2. Explain marketing and its importance in a global economy. 3. Research the role of business in society. 4. Classify the types of business activity. 5. Analyze the concept of management. 6. Identify and compare the types of business ownership. 7. Explore ways technology affects business. 8. Evaluate ways business is regulated by government.	ELA 1-1, 3, 4, 5 2-1, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 D-1, 6, 7 G-1, 6 Social Studies C-1A-1, 2, 3, 4, 5, 6, 7 C-1C-1 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4 H-1B-9, 11, 12 H-1C-7, 11, 15	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 1.2 Analyze business risk.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explore the types of business risk. 2. Define and interpret the role of insurance. 3. Identify security and safety policies and procedures. 4. Explain the role of risk management.	ELA 1-1, 3, 4, 5 2-1, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 1.3 Demonstrate an understanding of the fundamental functions of marketing management.

Benchmarks Academic	Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate an understanding of the concept of management. 2. Analyze management's leadership role in business. 3. Analyze the financing and controlling function. 4. Understand the components of a business plan.	ELA 1-1, 3, 4, 5 2-1, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2682 (December 2003).

§505. Strand: Communication and Interpersonal Skills

A. Standards

- 2.1 Demonstrate the ability to apply the fundamentals of communication.
- 2.2 Demonstrate interpersonal skills that contribute to positive relationships.
- 2.3 Demonstrate positive work ethics in the workplace.
- 2.4 Demonstrate skills for positive working relationships.
- 2.5 Demonstrate the ability to interact with customers.
- 2.6 Apply strategies for dealing with conflict.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

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§507. Strand 2.0: Communication and Interpersonal Skills

A. Standard 2.1 Demonstrate the ability to apply the fundamentals of communication.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Understand the nature of effective communications. 2. Apply effective listening skills. 3. Demonstrate effective oral and written communication skills. 4. Demonstrate addressing people professionally. 5. Demonstrate use of proper telephone techniques. 6. Apply effective persuasive techniques. 7. Deliver oral presentations. 8. Recognize and apply characteristics of effective written business communications. 9. Demonstrate the use of communication technology/systems.	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1 5-1, 2, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 2.2 Demonstrate interpersonal skills that contribute to positive relationships.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate procedures for following oral and written directions 2. Identify the guidelines for communicating with coworkers. 3. Recognize barriers to effective communication. 4. Generate directions for completing job tasks. 5. Demonstrate procedures for conducting meetings.	ELA 1-1, 3, 4 2-1, 6 4-1, 2, 4, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 2.3 Demonstrate positive work ethics in the workplace.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Recognize privacy issues in the business environment. 2. Understand reasons for safeguarding information. 3. Demonstrate ethical ways of communicating. 4. Understand the consequences of unethical conduct.	ELA 1-1, 3	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 2.4 Demonstrate skills for positive working relationships.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate procedures for treating coworkers fairly. 2. Develop skills needed to maintain effective working relationships. 3. Differentiate between leadership styles. 4. Demonstrate characteristics for working in teams.	ELA 1-1, 3 4-2, 4, 6	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

E. Standard 2.5 Demonstrate the ability to interact with customers.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate techniques for building positive relations. 2. Demonstrate a customer-service mindset. 3. Demonstrate use of proper procedures for solving customer issues. 4. Understand management's role in customer relationships.	ELA 1-1, 3 7-2, 4	1, 2, 3, 4, 5	Competencies Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

F. Standard 2.6 Apply strategies for dealing with conflict.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate ways to show empathy. 2. Demonstrate appropriate assertiveness. 3. Demonstrate problem-solving skills. 4. Utilize negotiation skills. 5. Demonstrate procedures for interpreting business policies. 6. Demonstrate procedures for handling difficult customers. 7. Understand strategies for adapting to change. 8. Demonstrate steps for conflict resolution. 9. Understand the importance of employee assistance programs.	ELA 1-1, 3 4-1, 2, 3, 4, 6 7-1, 2, 4	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

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§509. Strand: Economic Foundations

A. Standards

- 3.1 Understand basic economic concepts.
- 3.2 Examine the characteristics of economic systems.
- 3.3 Examine economic indicators and trends.
- 3.4 Examine global economies.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§511. Strand 3.0: Economic Foundations

A. Standard 3.1 Understand basic economic concepts.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Distinguish between economic goods and services. 2. Explain the concept of economic resources. 3. Describe the nature of economics and economic activities. 4. Analyze forms of economic utility. 5. Explain the principles of supply and demand. 6. Examine the concept of price.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 3, 4, 5, 6 SE-C-1, 2 SE-D-1, 2, 4, 5, 6 Math N-1, 2, 3, 4, 5, 7 D-6, 7, 8 Social Studies G-1C-5, 6 G-1D-1, 2, 4 E-1A-1, 2 E-1B-1, 2 E-1C-2	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 3.2 Examine the characteristics of economic systems.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Compare the types of economic systems. 2. Discuss the basic economic freedoms. 3. Assess the relationship between government and business. 4. Examine the concept of private enterprise. 5. Analyze the concept of productivity. 6. Explain the concept of organized labor and business. 7. Discuss the law of diminishing returns.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 5 SE-D-1 Math N-1, 2, 3, 4, 5, 6, 7 D-6, 7, 8 Social Studies C-1B-6 C-1D-1, 2 E-1A-1, 4, 5, 6 E-1B-2, 3 E-1C-2, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 3.3 Examine economic indicators and trends.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Analyze the goals of a healthy economy. 2. Explain the nature of the Consumer Price Index. 3. Explain the concept of Gross Domestic Product. 4. Explain the impact of unemployment. 5. Compute the standard of living.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-1, 2, 5 SE-C-2, 3, 4, 5 SE-D-1, 6 Math N-1, 2, 3, 4, 5, 6, 7 D-6, 7, 8 Social Studies E-1A-1, 2, 7 E-1B-2, 3 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 3.4 Examine global economics.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explain the nature of international trade. 2. Identify the impact of cultural and social environments on world trade.	ELA 1-3, 4, 5 2-1, 2, 3, 4, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1,2, 4 Science SE-B-3, 5 Social Studies C-1C-1, 2, 3 E-1A-1, 2, 5, 8 E-1B-2, 3, 4, 5, 6 E-1C-2, 4 H-1C-15	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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§513. Strand: Professional Development

A. Standards

- 4.1 Develop self-understanding.
- 4.2 Apply criteria for self-development.
- 4.3 Apply career-planning strategies.
- 4.4 Demonstrate job-seeking skills.
- 4.5 Understand the importance of continuing career development.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management

7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

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§515. Strand 4.0: Professional Development

A. Standard 4.1 Develop self-understanding.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Demonstrate ethical work habits. 2. Identify desirable personality traits important to business. 3. Adjust to change. 4. Demonstrate appropriate creativity.	ELA 1-1, 3	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 4.2 Apply criteria for self-development.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Assess personal skills and interests. 2. Understand self-esteem and self-concept. 3. Demonstrate steps for decision making. 4. Demonstrate appropriate creativity. 5. Identify and utilize time-management principles.	ELA 1-1, 3 7-1, 2, 4 Social Studies E-1A-3	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 4.3 Apply career-planning strategies.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explore career opportunities in business and marketing. 2. Identify and utilize sources for career information. 3. Identify tentative occupational interest.	ELA 1-1, 3, 4 5-1, 2, 3 Social Studies E-1A-3	1, 2, 3, 4, 5	Competencies Information Systems Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 4.4 Demonstrate job-seeking skills.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Utilize job-search strategies. 2. Complete a job application. 3. Write a letter of application. 4. Compose a resume. 5. Apply and interview for a job. 6. Apply appropriate follow-up after job interview.	ELA 1-1, 3, 4 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 3, 4 5-1, 2, 3, 4, 6	1, 2, 3, 4, 5	Competencies Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

E. Standard 4.5 Understand the importance of continuing career development.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify skills needed to enhance career progression. 2. Identify resources needed to enhance career progression.	ELA 1-4 5-1, 2, 3 7-4	1, 2, 3, 4, 5	Competencies Resources Information Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2686 (December 2003).

§517. Strand: Distribution

A. Standards:

- 5.1 Examine the nature and scope of distribution.
- 5.2 Understand the concepts involved in order fulfillment.
- 5.3 Examine the process of warehousing and stock handling.

B. Available Courses:

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research

8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2687 (December 2003).

§519. Strand 5.0: Distribution

A. Standard 5.1 Examine the nature and scope of distribution.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Examine and explain channels of distribution. 2. Describe the use of technology in the distribution process. 3. Explain the legal and ethical considerations in the distribution process.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4 PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7 M-1, 2, 3, 4 D-7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 5.2 Examine the nature and scope of distribution.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Explain the relationship between customer service and distribution. 2. Describe the use of technology in the distribution process. 3. Explain the legal and ethical considerations in the distribution process.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4 PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7 M-1, 2, 3, 4 D-7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 5.3 Examine the process of warehousing and stock handling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and describe the shipping and receiving processes.	ELA 1-1, 3, 4, 5 2-1 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Explain and evaluate the concept of warehousing and storing.	5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A1 SI-B4		
3. Demonstrate stock handling techniques used in receiving deliveries.	PS-F1 SE-B6 Math N-1, 2, 3, 4, 5, 6, 7		
4. Examine the types of inventory control systems.	M-1, 2, 3, 4 D-7		

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify financing activities in marketing.	ELA 1-1, 4, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Compare the relationship of financing to other marketing functions.	5-1, 2, 3 7-1, 2, 3 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8 Social Studies C-1B-4		
3. Discuss ways that technology impacts the financing function.	E-1A-1, 2, 7, 8 E-1B-2 E-1C-2, 4		
4. Understand the need for developing banking relationships.			

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2687 (December 2003).

§521. Strand: Financing

A. Standards:

- 6.1 Demonstrate an understanding of the nature and scope of the financing function.
- 6.2 Demonstrate an understanding of the purpose and importance of credit.
- 6.3 Interpret financial documents.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§523. Strand 6.0: Financing

A. Standard 6.1 Demonstrate an understanding of the nature and scope of the financing function.

B. Standard 6.2 Demonstrate an understanding of the purpose and importance of credit.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify sources of credit.	ELA 1-1, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Compare types of credit.	5-1, 2, 3, 4, 6 7-1, 2, 4 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8, 9 P-1 Social Studies E-1A-1, 2, 7, 8		
3. Compute cost of extending credit.			
4. Compute cost of using credit.			
5. Define start-up costs for a business.			

C. Standard 6.3 Interpret financial documents.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Prepare a personal financial statement.	ELA 1-1, 5 2-2, 3, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
2. Identify parts of a business plan.	5-1, 2, 3, 4, 6 7-1, 2, 4 Math N-1, 2, 3 M-1, 2, 3, 4 D-7, 8, 9 P-1 Social Studies E-1A-1, 2, 7, 8		
3. Prepare financial documents for a business.			
4. Compute payroll and other business expenses.			
5. Compute net profit and net loss.			

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§525. Strand: Marketing-Information Management

A. Standards

- 7.1 Demonstrate an understanding of the nature and scope of marketing-information management.
- 7.2 Explain the nature of marketing research.
- 7.3 Discuss information processing.
- 7.4 Discuss information reporting.
- 7.5 Describe marketing planning.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§527. Strand 7.0: Marketing-Information Management

A. Standard 7.1 Demonstrate an understanding of the nature and scope of marketing-information management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Assess marketing-information needs.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Analyze the nature and scope of the marketing-information management function.	4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5		Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
3. Explain the role of ethics in marketing-information management.	PS-F1 SE-B 6 Math N-1, 2, 3, 4, 5, 6, 7		
4. Describe the use of technology in marketing-information management function.	A-1, 3, 4 M-2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies G-1D-4 C-1A-1, 2, 3, 4, 5, 6, 7 E-1A-1, 2, 3,		

	4, 5, 6, 7 E-1B-2, 3, 4, 5, 6, 9, 11 E-1C-1, 2, 3, 4		
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B. Standard 7.2 Explain the nature of marketing research.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify data sources for marketing decision making.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Search the internet for marketing information.	6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1 SE-B 6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies E-1A-8 E-1B-2 H-1A-6		Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities
3. Collect marketing information.			

C. Standard 7.3 Discuss information processing.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe techniques for processing marketing information.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills
2. Interpret descriptive statistics for marketing decision making.	6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7		Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 7.4 Discuss information reporting.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Write marketing reports. 2. Present report findings and recommendations.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

E. Standard 7.5 Describe marketing planning.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe the concept of marketing strategies. 2. Assess the concept of market and market identification. 3. Analyze and research target markets. 4. Evaluate and prepare a marketing plan. 5. Analyze and develop a sales forecast.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-F-1, SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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§529. Strand: Pricing

A. Standards

- 8.1 Demonstrate an understanding of the nature and scope of the pricing function.
- 8.2 Analyze and explain the factors affecting pricing decisions.

B. Available Courses

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§531. Strand 8.0: Pricing

A. Standard 8.1 Demonstrate an understanding of the nature and scope of the pricing function.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Analyze the process involved in effective pricing. 2. Describe the role of business ethics in pricing. 3. Explain the use of technology in the pricing function. 4. Research legal considerations for pricing.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1, 2, 4 Science PS-D-7 PS-F-1 SE-B-6 SI-A-1, 2 SI-B-4, 5 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 2, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies C-1A-1, 3, 5, 7 C-1C-1 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 8.2 Analyze and explain the factors affecting pricing decisions.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe strategies for pricing products and services. 2. Explain product-mix pricing strategies. 3. Identify the basic rules for setting prices. 4. Calculate and identify problems to determine price. 5. Determine the cost of product. 6. Calculate price.	ELA 1-1, 3, 4, 5 2-1 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2 SI-B-4, 5 PS-D-7 PS-F-1 SE-B-6 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3, 4 M-1, 2, 3, 4 G-1, 6 D-1, 6, 7 Social Studies C-1A-1, 3, 5, 7 C-1C-1 E-1A-1, 2, 3, 4, 5, 6, 7 E-1B-1, 2, 3, 4, 5, 6 E-1C-1, 2, 3, 4	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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§533. Strand: Product/Service Management

A. Standards:

- 9.1 Demonstrate understanding of the nature and scope of the product/service management function.
- 9.2 Plan product mix.
- 9.3 Describe factors used by marketers to position a product, service or business.
- 9.4 Evaluate the importance of quality assurances on product/service management.

B. Available Courses:

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§535. Strand 9.0: Product/Service Management

A. Standard 9.1 Demonstrate an understanding of the nature and scope of the product/service management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe factors affecting product planning. 2. List the steps in new product/service planning. 3. Identify the impact of product life cycles on marketing decisions. 4. Demonstrate understanding of the concept of product positioning. 5. Debate ethics issues in product development.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SE-B-1, 4, 5, 6 SE-C-2, 4, 5 SE-D-1, 2, 6 SI-A-1, 2, 3 Math N-1, 2, 3, 4 P-1 M-1, 2, 3, 4 G-6 D-1 Social Studies C-1B-4 C-1D-2, 3, 4 E-1A-1, 2, 6 E-1B-2 E-1C-1, 2, 3, 4 H-1A-6 H-1B-17	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 9.2 Plan product mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Define product mix. 2. Compare product mix strategies. 3. Develop services to provide to customers. 4. Analyze customer service options.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2, 3 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 9.3 Describe factors used by marketers to position a product, service, or business.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Define branding elements. 2. Explain the importance of branding in product planning. 3. Classify branding strategies. 4. Evaluate the impact of product packaging and labeling.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SI-A-1, 2, 3 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1, 7	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 9.4 Evaluate the importance of quality assurances in product/service management.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Describe uses of grades and standards in marketing products. 2. Distinguish different types of warranties and guarantees. 3. Demonstrate understanding of the importance of warranties and guarantees in product planning. 4. Identify consumer protection provisions of appropriate agencies.	ELA 1-1, 3, 4, 5 2-4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 7-1,2, 4 Science SE-C3 SE-D6 Math N-1, 2, 3, 4, 5, 6, 7 A-1 P-1 M-1, 2, 3, 4 D-1,7 Social Studies G-1B-4 G-1C-6 G-1D-4 C-1B-4, 6 C-1D-4 E-1A-6 E-1B-1, 3 E-1C-4 H-1A-6	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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§537. Strand: Promotion

A. Standards

- 10.1 Demonstrate an understanding of the nature and scope of promotion as a marketing function.
- 10.2 Explain the role of advertising as part of a promotional mix.
- 10.3 Explain the role of sales promotion as part of a promotional mix.
- 10.4 Explain the role of publicity/public relations as part of a promotional mix.

B. Available Courses

1. Introduction to Marketing
2. General Marketing
3. Entrepreneurship
4. Retailing and Merchandising
5. Advertising/Sales Promotion
6. Marketing Management
7. Marketing Research
8. Insurance Marketing
9. Specialty Marketing
10. Tourism/Lodging

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§539. Strand 10.0: Promotion

A. Standard 10.1 Demonstrate an understanding of the nature and scope of promotion as a marketing function.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Apply the communication process used in promotion. 2. Identify the roles of promotion as a marketing function. 3. Differentiate among the types of promotion. 4. Identify the elements of the promotional mix. 5. Recognize the impact of negative business ethics in promotion.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies C-1C-2 E-1A-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 10.2 Explain the role of advertising as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify the types of advertising media. 2. Identify and use the components of advertising. 3. Critique and select the most effective direct advertising methods. 4. Calculate media costs. 5. Explain the components of advertisements. 6. Evaluate effectiveness of advertising. 7. Develop promotional mix for a product. 8. Prepare a promotional budget.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-1, 2, 4 Social Studies G-1B-1, 4 G-1C-2 G-1D-4 E-1A-2 E-1B-1 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 3 M-1 D-1, 7, 9 P-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 10.3 Explain the role of sales promotion as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. List and define the types of sales and specialty promotions. 2. Analyze the effectiveness of a sales promotion plan.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies C-1C-2 E-1A-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

D. Standard 10.4 Explain the role of publicity/public relations as part of a promotional mix.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Differentiate between advertising and publicity. 2. Evaluate the impact of public relations. 3. Write a publicity release. 4. Develop a public relations plan.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies G-1B-4 G-1C-2 E-1A-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2692 (December 2003).

§541. Strand: Selling

A. Standards

- 11.1 Demonstrate an understanding of the nature and scope of selling.
- 11.2 Understand the need for the development of product knowledge.
- 11.3 Demonstrate an understanding of the process and techniques of selling.
- 11.4 Understand the support activities relating to selling.

B. Available Courses:

- 1. Introduction to Marketing
- 2. General Marketing
- 3. Entrepreneurship
- 4. Retailing and Merchandising
- 5. Advertising/Sales Promotion
- 6. Marketing Management
- 7. Marketing Research
- 8. Insurance Marketing
- 9. Specialty Marketing
- 10. Tourism/Lodging

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§543. Strand 11.0: Selling

A. Standard 11.1 Demonstrate an understanding of the nature and scope of selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Understand the importance of customer service as a component of selling. 2. Identify the key factors in building a clientele. 3. Evaluate the effectiveness of store selling policies. 4. Recognize the impact of business ethics in selling. 5. Understand the impact of technology in the selling function. 6. Understand the purpose of selling regulations.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 7-2, 4 Social Studies E-1B-1, 2	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

B. Standard 11.2 Understand the need for the development of product knowledge.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and apply methods to acquire product information for use in selling. 2. Develop feature benefits charts.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 6 Social Studies E-1B-1	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

C. Standard 11.3 Demonstrate an understanding of the process and techniques of selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Identify and define the components of the selling process. 2. Prepare for a sales presentation. 3. Understand the impact of developing client/customer relationships. 4. Demonstrate the methods of determining customer/client needs. 5. Identify customer's buying motives for use in the sales process. 6. Apply methods of facilitating customers' buying decisions. 7. Differentiate between consumer and organizational buying . 8. Demonstrate methods of recommending specific products. 9. Apply techniques for demonstrating products. 10. Demonstrate methods of recommending specific products 11. Demonstrate the process of prescribing solutions to customers' needs.	ELA 1-1, 3, 4, 5 2-1, 2, 3, 4, 5 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 6 7-2, 4 Social Studies G-1B-3 G-1C-5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

12. Use methods to convert customers'/clients' objections into selling points. 13. Demonstrate an effective sales closing. 14. Utilize techniques of suggestion selling.			
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D. Standard 11.4 Understand the support activities related to selling.

Benchmarks	Academic Cross-References	Louisiana Foundation Skills	SCANS Skills
1. Calculate mathematical problems related to selling. 2. Demonstrate methods of prospecting. 3. Create an effective sales letter.	ELA 1-1, 2, 3, 4, 5 2-1, 2, 3, 4, 5, 6 3-1, 2, 3 4-1, 2, 3, 4, 5, 6 5-1, 2, 3, 4, 5, 6 6 7-2, 4 Social Studies E-1A-2 Math N-1, 2, 3, 4, 5, 6, 7 A-1, 2, 3, 4 D-1, 2, 7, 8, 9 P-1, 5	1, 2, 3, 4, 5	Competencies Resources Information Interpersonal Skills Systems Technology Foundations Basic Skills Thinking Skills Personal Qualities

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Chapter 7. Louisiana Content Standards §701. Foundation Skills *

A. Through the collaboration of educators, the business community, and other citizens, the following foundation skills have been identified as essential competencies needed to meet the demands of the classroom and the world beyond. These skills apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to

help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. **Linking and Generating Knowledge.** The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. **Citizenship:** The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

*Developed by the Louisiana Department of Education, Louisiana Content Standards and Assessment Development Project, 1997.

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§703. Referenced Content Standards

A. Cross-referencing with State Standards for Curriculum Development in the following academic areas reinforced the Marketing Education Content Standards listed in this document: English/Language Arts, Mathematics, Social Studies and Science. A comprehensive list of academic standards utilized, along with area specific codes, is listed below. The five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force, which apply to all students in all disciplines, were also cross-referenced to the Marketing Education Content Standards.

The Foundation Skills are

1. communication;
2. problem solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

B. Area Specific Codes

1. English/Language Arts (ELA). The standard number is given; then the benchmark number.

2. Mathematics. The strand letter is given; then the benchmark number.

N Number and Number Relations

A Algebra

M Measurement

G Geometry

D Data Analysis, Probability, and Discrete Math

P Patterns, Relations, and Functions

3. Science. The strand letter is given; then the benchmark letter and number are given.

SI Science As Inquiry

PS Physical Science

LS Life Science

ESS Earth and Space Science

SE Science and the Environment

4. Social Studies. The strand letter is given; then the benchmark letter and number are given.

G Geography

C Civics

E Economics

H History

C. English Language Arts (ELA)*

Standard One: Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

1—Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies

2—Reading, responding to, and critiquing written, spoken, and visual texts

3—Interpreting texts to generate connections to real-life situations

4—Applying reading strategies to achieve a variety of objectives

Standard Two: Students write competently for a variety of purposes and audiences.

1—Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order

2—Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose

3—Applying the steps of the writing process, emphasizing revising and editing in final drafts

4—Using narration, description, exposition, and persuasion to develop various modes of writing

5—Recognizing and applying literary devices and various stylistic elements

6—Responding to text and life experiences as a basis for writing

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

1—Writing legibly

2—Using the grammatical and mechanical conventions of standard English

3—Spelling accurately using strategies and resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

1—Speaking intelligibly

2—Giving and following directions/procedures

3—Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations

4—Speaking and listening for a variety of audiences and purposes

5—Listening and responding to a wide variety of media

6—Participating in a variety of roles in group discussions

*This list reflects ELA Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of ELA Content Standards, see *Bulletin 1965*.

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

1—Recognizing and using organizational features of printed text, other media, and electronic information

- 2—Locating and evaluating information sources
- 3—Accessing information and conducting research using outlining, not taking, summarizing, interviewing, and surveying to produce documented texts and graphics
- 4—Using available technology to produce, revise, and publish a variety of works
- 5—Citing references using various formats
- 6—Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flow-charts

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

- 1—Using comprehension strategies in all contexts
- 2—Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information
- 4—Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations

D. Mathematics*. (N) Number and Number Relations: In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

- N.1—Demonstrating an understanding of number systems
- N.2—Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation
- N.3—Using number sense to estimate and determine reasonableness of solutions
- N.4—Determining whether an exact or approximate answer is necessary
- N.5—Selecting and using appropriate computational methods for given situations
- N.6—Applying ratios and proportional thinking in a variety of situations
- N.7—Justifying reasonableness of solutions and verifying results

(A) Algebra: In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

- A.1—Demonstrating the ability to translate real-world situations into algebraic expressions, equations, and inequalities
- A.2—Recognizing the relationship between operations involving real numbers and operations involving algebraic expression
- A.3—Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities
- A.4—Solving algebraic equations and inequalities using appropriate techniques

(M) Measurement: In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of the concepts, processes, and real-life applications of measurement.

- M.1—Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error of measurement
- M.2—Demonstrating an intuitive sense of measurement

M.3—Estimating, computing and applying physical measurement using suitable units

M.4—Demonstrating the concept of measurement as it applies to real-world experiences

*This list reflects Math Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Mathematics Content Standards see *Bulletin 1955*.

(G) Geometry: In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

- G.1—Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures
- G.2—Demonstrating deductive reasoning and justification

(D) Data Analysis, Probability, and Discrete Math: In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

- D.1—Designing and conducting statistical experiments that involve collecting and representing data in various forms
- D.2—Recognizing data that relate two variables as linear, exponential, or otherwise in nature
- D.3—Using simulations to estimate probability
- D.4—Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures
- D.5—Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities
- D.6—Demonstrating the concept of distributions and recognizing normal and non-normal distributions
- D.7—Making inferences from data that are organized in charts, tables, and graphs
- D.8—Demonstrating logical thinking procedures such as flow charts and truth tables
- D.9—Using discrete math to model real-life situations

(P) Patterns, Relations, and Functions: In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

- P.1—Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology

E. Science*. (SI) Science As Inquiry: Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A: The Abilities Necessary to do Scientific Inquiry

- 1—Identifying questions and concepts that guide scientific investigations
- 2—Designing and conducting scientific investigations
- 3—Using technology to improve investigations and communications

Benchmark B: Understanding Scientific Inquiry

1—Understanding that scientists usually base their investigations on existing questions or causal/functional questions

2—Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions

3—Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists

(PS) Physical Science: Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

Benchmark D: Chemical Reactions

1—Identifying important chemical reactions that occur in living systems, the home, industry, and the environment

Benchmark F: Energy

1—Describing and representing relationships among energy, work, power and efficiency

(SE) Science and the Environment: In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

Benchmark B: Resources and Resource Management

1—Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations

2—Explaining how natural resources affect humans and how humans affect natural resources

*This list reflects Science Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Science Content Standards see *Bulletin 1962*.

3—Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources

4—Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences

5—Comparing the benefits and the costs of various resource management methods

6—Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective

7—Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs

Benchmark C: Environmental Awareness and Protection

1—Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment

2—Evaluating the relationships between quality of life and environmental quality

3—Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological and political considerations

4—Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors

5—Analyzing how public support effects the creation and enforcement of environmental laws and regulations

Benchmark D: Personal Choices and Responsible Actions

1—Demonstrating an understanding of the effects of personal choices and actions on the natural environment

2—Describing how a healthy environment depends upon responsible human actions

3—Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns

4—Explaining that responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives

5—Demonstrating a knowledge that environmental issues should be an international concern

F. Social Studies*

(G) Geography: Physical and Cultural Systems: Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

Benchmark B: Places and Regions

1—Determining how social, cultural, and economic processes shape the features of places

2—Explaining and evaluating the importance of places and regions to cultural identity

Benchmark C: Physical and Human Systems

1—Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems

2—Describing and evaluating spatial distribution of economic systems and how they affect regions

3—Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth

Benchmark D: Environment and Society

1—Evaluating the ways in which technology has expanded the human capability to modify the physical environment

2—Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges

3—Evaluating policies and programs related to the use of natural resources

(C) Civics: Citizenship and Government: Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

Benchmark A: Structure and Purposes of Government

1—Analyzing the necessity and purposes of policies and government

2—Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each

3—Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system

4—Explaining the organization and functions of local, state, and national governments and evaluating their relationships

5—Evaluating the role and importance of law in the American political system

*This list reflects Social Studies Standards/Benchmarks referenced in the Marketing Education Content Standards only. For a complete list of Social Studies Content Standards see *Bulletin 1964*.

6—Examining the major responsibilities of the national government for domestic and foreign policy

7—Explain how government is financed through taxation

Benchmark B: Foundations of the American Political System

1—Evaluating issues related to the differences between American ideals and the realities of American social and political life

2—Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics

Benchmark C: International Relationships

1—Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States

2—Analyzing the major foreign policy positions of the United States and evaluating their consequences

3—Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments of the United States

Benchmark D: Roles of the Citizen

1—Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens

2—Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy

3—Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy

4—Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy

(D) Economics: Interdependence and Decision Making: Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

Benchmark A: Fundamental Economic Concepts

1—Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result

2—Analyzing the roles that production, distribution, and consumption play in economic decisions

3—Applying the skills and knowledge necessary in making decisions about career options

4—Comparing and evaluating basic economic systems

5—Explaining the basic features of market structures and exchanges

6—Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems

7—Analyzing the roles of money and banking in an economic system

8—Applying economic concepts to understand and evaluate historical and contemporary issues

Benchmark B: Individuals, Households, Businesses, and Governments

1—Identifying factors that cause changes in supply and demand

2—Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system

3—Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy

4—Analyzing the causes and consequences of worldwide economic interdependence

5—Evaluating the effects of domestic policies on international trade

6—Analyzing Louisiana's role in the world economy

Benchmark C: The Economy as a Whole

1—Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate

2—Explaining how interest rates, investments, and inflation/deflation impact the economy

3—Analyzing unemployment and income distribution in a market economy

4—Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy

(H) History: Time, Continuity, and Change: Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

1—Analyzing cause/effect relationships

2—Analyzing developments and issues in contemporary American society

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Chapter 9. SCANS Skills

§901. Background

A. The Secretary's Commission on Achieving Necessary Skills (SCANS) was established in February 1990 to examine the demands of the workplace and to determine whether the current and future work force is capable of meeting those demands. Commission members included 31 representatives from the nation's schools, businesses, unions and government. The Commission issued its first report, *What Work Requires of Schools*, in June, 1991. This report told educators and employers what students and workers need to know and be able to do in order to succeed in the workplace. This kind of information is especially vital today, when more than half of our young people leave school without the basic skills required to find and hold a good job.

B. Specifically, the Commission was directed to advise the Secretary of Labor on the type and level of skills required to enter employment. In carrying out this charge, the Commission was asked to:

1. define the skills needed for employment;

2. propose acceptable levels in those skills;
3. suggest effective ways to access proficiency; and
4. develop a strategy to disseminate the findings to the

Nation's schools, businesses and homes.

C. The Commission identified two types of skills: competencies and foundations. *Competencies* are the skills necessary for success in the workplace and are organized into five areas. *Foundations* are skills and qualities that underlie the competencies. The competencies and foundations are generic, most of them are required for most jobs. The SCANS competencies and foundations are identified and defined on the following pages.

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§903. Competencies

A. Resources

1. **Allocates Times:** Selects relevant, goal-related activities; ranks them in order of importance; allocates time to activities; and understands, prepares and follows schedules. Competent performance in allocating time includes properly identifying tasks to be completed; ranking tasks in order of importance; developing and following an effective, workable schedule based on accurate estimates of such things as importance of tasks, time to complete tasks, time available for completion and task deadlines; avoiding wasting time; and accurately evaluating and adjusting a schedule.

2. **Allocates Money:** Uses or prepares budgets, including making cost and revenue forecasts, keeps detailed records to track budget performance; and makes appropriate adjustments. Competent performance in allocating money includes accurately preparing and using a budget according to a consistent and orderly accounting method accurately calculating future budgetary needs based on project cost and revenues; accurately tracking the extent to which actual costs and revenues differ from the estimated budget; and taking appropriate and effective action.

3. **Allocates Material and Facility Resources:** Acquires, stores and distributes materials, supplies, parts, equipment, space or final products in order to make the best use of them. Competent performance in allocating material and facility resources includes carefully planning the step involved in the acquisition, storage and distribution of resources; safely and efficiently acquiring, transporting or storing them; maintaining them in good condition; and distributing them to the end user.

4. **Allocates Human Resources:** Assesses knowledge skills and distributes work accordingly, evaluates performance and provides feedback. Competent performance in allocating human resources includes accurately assessing peoples' knowledge, skill, abilities and potential; identifying present and future workload; making effective matches between individual talents and workload; and actively monitoring performance and providing feedback.

B. Information

1. **Acquire and Evaluates Information:** Identifies need for data, obtains them from existing sources, or creates them and evaluates their relevance and accuracy. Competently

perform the task of acquiring data and evaluating its appropriateness; and determine when new information must be created.

2. **Organizes and Maintains Information:** Organizes, processes and maintains written or computerized records and other forms of information in a systematic fashion. Competently performing the tasks of organizing and maintaining information includes understanding and organizing information from computer, visual, oral and physical sources in readily accessible formats, such as computerized data bases, spreadsheets, microfiche, video disks, paper files, etc.; when necessary, transforming data into different formats in order to organize them by the application of various methods such as sorting, classifying or more formal methods.

3. **Interprets and Communicates Information:** Selects and analyzes information and communicates the results to others using oral, written, graphic, pictorial or multi-media methods. Competently performing the tasks of communicating and interpreting information to others includes determining information to be communicated; identifying the best methods to present information (e.g., overheads, handouts); if necessary, converting to desired format and conveying information to others through a variety of means including oral presentation, written communication, etc.

4. **Uses Computers to Process Information:** Employs computers to acquire, organize, analyze and communicate information. Competently using computers to process information includes entering, modifying, retrieving, storing and verifying data and other information; choosing format for display (e.g., line graphs, bar graphs, tables, pie charts, narrative); and ensuring the accurate conversion of information into the chosen format.

C. Interpersonal

1. **Participates as a Member of a Team:** Works cooperatively with others and contributes to group with ideas, suggestions and effort. Demonstrating competence in participating as a member of a team includes doing one's own share of tasks necessary to complete a project; encouraging team members by listening and responding appropriately to their contributions; building in individual team members' strengths; resolving differences for accomplishing goals; and responsibly challenging existing procedures, policies or authorities.

2. **Teaches Others:** Helps others learn. Demonstrating competence in teaching others includes helping others to apply related concepts and theories to tasks through coaching or other means; identifying training needs; conveying job information to allow others to see its applicability and relevance to tasks; and assessing performance and providing constructive feedback/reinforcement.

3. **Serves Clients/Customers:** Works and communicates with clients and customers to satisfy their expectations. Demonstrating competence in serving clients and customers includes actively listening to customers to avoid misunderstandings and identifying needs; communicating in a positive manner especially when handling complaints or conflict; and efficiently obtaining additional resources to satisfy client needs.

4. Exercises Leadership: Communicates thoughts, feelings and ideas to justify a position; encourages, persuades, convinces or otherwise motivates an individual or groups, including responsibly challenging existing procedures, policies, or authority. Demonstrating competence in exercising leadership includes making positive use of the rules/values followed by others; justifying a position logically and appropriately; establishing credibility through competence and integrity; and taking minority viewpoints into consideration.

5. Negotiates to Arrive at a Decision: Works toward an agreement that may involve exchanging specific resources or resolving divergent interests. Demonstrating competence in negotiating to arrive at a decision involves researching opposition and the history of the conflict; setting realistic and attainable goals; presenting facts and arguments; listening to and resolving conflicts; adjusting quickly to new fact/ideas; proposing and examining possible options; and making reasonable compromises.

6. Works with Cultural Diversity: Works well with men and woman and with a variety of ethnic, social, or educational backgrounds. Demonstrating competence in working with cultural diversity involves understanding one's own culture and those of others and understanding how they differ; respecting the rights of others while helping them make cultural adjustments where necessary; basing impression on individual performance, not on stereotypes; and understanding concerns of members of other ethnic and gender groups.

D. Systems

1. Understands Systems: Knows how social, organizational and technological systems work and operates effectively within them. Demonstrating competence in understanding systems involves knowing how a system's structures relate to goals; responding to the demands of the system/organization; knowing the right people to ask for information and where to get resources; and functioning within the formal and informal codes of the social/organizational system.

2. Monitors and Corrects Performance: Distinguishes trends, predicts impact of actions on system operations, diagnoses deviations in the function of a system/organization and takes necessary action to correct performance. Demonstrating competence in monitoring and correcting performance includes identifying trends and gathering needed information about how the system is intended to function; detecting deviations from system; and making changes to the system to rectify system functioning and to ensure quality of product.

3. Improves and Designs System: Makes suggestions to modify existing systems to improve products or services and develops new or alternative systems. Demonstrating competence in improving or designing systems involves making suggestions for improving the functioning of the system/organization; recommending alternative system designs based on relevant feedback; and responsibly challenging the status quo to benefit the larger system.

E. Technology

1. Selects Technology: Judges which set of procedures, tools or machines, including computers and their programs, will produce the desired results. Demonstrating competence in selecting technology includes determining

desired outcomes and applicable constraints; visualizing the necessary methods and applicable technology; evaluating specifications; and judging which machine or tool will produce the desired results.

2. Applies Technology to Task: Understands the overall intent and the proper procedures for setting up and operating machines, including computers and their programming systems. Demonstrating competence in knowing how to apply technology to task; it includes understanding how different parts of machines interact and how machines interact with broader production systems; on occasion installing machines including computers; setting up machines or systems of machines efficiently to get desired results; accurately interpreting machine output; and detecting errors from program output.

3. Maintains and Troubleshoots Technology: Prevents, identifies or solves problems in machines, computers and other technologies. Demonstrating competence in maintaining and troubleshooting technology includes identifying, understanding and performing routine preventative maintenance and service on technology; detecting more serious problems; generating workable solutions to correct deviations; and recognizing when to get additional help.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2699 (December 2003).

§905. Foundation Skills

A. Basic Skills

1. Reading: Locates, understands and interprets written information in prose and documents: including manuals, graphs, and schedules: to perform tasks; learns from text by determining the main idea or essential message; identifies relevant details, facts and specifications; infers or locates the meaning of unknown or technical vocabulary; judges the accuracy, appropriateness, style and plausibility of reports, proposals or theories of other writers.

2. Writing: Communicates thoughts, ideas, information and messages in writing; records information completely and accurately; composes and creates documents such as letters, directions, manuals, reports, proposals, graphs, flow-charts; uses language, style, organization and format appropriate to the subject matter, purpose and audience; includes supporting documentation and attends to level of detail; and checks, edits and revises for correct information, appropriate emphasis, form, grammar, spelling and punctuation.

3. Arithmetic: Performs basic computations; uses basic numerical concepts such as whole numbers and percentages in practical situations; makes reasonable estimates of arithmetic results without a calculator; and uses tables, graphs, diagrams and charts to obtain or convey quantitative information.

4. Mathematics: Performs computational skills needed in maintaining records, estimating results, using spreadsheets or applying statistical process.

5. Listening: Receives, attends to, interprets and responds to oral messages and other cues such as body language in ways that are appropriate to the purpose: for example, to comprehend, to learn, to evaluate critically, to appreciate, or to support the speaker.

6. Speaking: Organizes ideas and communicates oral messages appropriate to listeners and situations; participates in conversation, discussion and group presentations; selects an appropriate medium for conveying a message; uses oral language and other cues such as body language appropriate in style, tone and level of complexity to the audience and the occasion; speaks clearly and communicates a message; understands and responds to listener feedback; and asks questions when needed.

B. Thinking Skills

1. Creative Thinking: Uses imagination freely, combines ideas or information in new ways, makes connections between seemingly unrelated ideas, and reshapes goals in ways that reveal new possibilities.

2. Decision Making: Specifies goals and constraints, generates alternatives, considers risks, and evaluates and chooses best alternative.

3. Problem Solving: Recognizes that a problem exists (i.e., there is a discrepancy between what is and what should or could be); identifies possible reasons for the discrepancy; devises and implements a plan of action to resolve it; evaluates and monitors progress; and revises plan as indicated by findings.

4. Seeing Things in the Mind's Eye: Organizes and processes symbols, pictures, graphs, objects or other information: for example, sees a building from a blueprint; a system's operation from schematics; the flow of work activities from narrative descriptions; or the taste of food from reading a recipe.

5. Knowing How to Learn: Uses efficient learning techniques to acquire and apply new knowledge and skills.

6. Reasoning: Discovers a rule or principle underlying the relationship between two or more objects and applies it in solving a problem.

C. Personal Qualities

1. Responsibility: Exerts a high level of effort and perseverance toward goal attainment; works hard to become excellent at doing tasks by setting high standards, paying attention to details, working well and displaying a high level of concentration even when assigned an unpleasant task; and displays high standards of attendance, punctuality, enthusiasm, vitality, and optimism in approaching and completing tasks.

2. Self-Esteem: Believes in own self-worth and maintains a positive view of self.

3. Social: Demonstrates understanding, friendliness, adaptability, empathy and politeness in new and on-going group settings; asserts self in familiar and unfamiliar social situations; relates well to others; responds appropriately as the situation requires; and takes an interest in what others say and do.

4. Self-Management: Assesses own knowledge, skills and abilities accurately; sets well-defined and realistic personal goals; monitors progress toward goal attainment and motivates self through goal achievement; exhibits self-control and responds to feedback unemotionally and non-defensively; and is a "self-starter."

5. Integrity/Honesty: Chooses ethical courses of action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2700 (December 2003).

Weegie Peabody
Executive Director

0312#035

RULE

Board of Elementary and Secondary Education

Bulletin 109? Family and Consumer Sciences Content
Standards Curriculum Framework
(LAC 28:LXXIII.Chapters 1-5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 109? Family and Consumer Sciences Content Standards Curriculum Framework*. Bulletin 109 will be printed in codified format as Part LXXIII of the Louisiana Administrative Code. The Family and Consumer Sciences Standards will assist teachers in preparing students for the workplace. The action will provide Family and Consumer Sciences Standards.

Title 28

EDUCATION

**Part LXXIII. Bulletin 109? Louisiana Family and
Consumer Sciences Content Standards Curriculum
Framework**

Chapter 1. Education

**§101. Mission and Goals of the State Board of
Elementary and Secondary Education (SBESE)**

A. As part of the scope of education in Louisiana, Family and Consumer Sciences Education embraces the mission and goals of education as adopted by the State Board of Elementary and Secondary Education.

1. The Board of Elementary and Secondary Education pledges its commitment to the proposition that every child is valued and every child will learn.

2. In order that we may honor this commitment, the board will aggressively pursue new and different ideas, develop a strong systemic process for change, and dedicate our energies and resources to that mission.

3. The board recognizes that education is an on-going process in which learning is the constant and time is the variable. It is for this reason that we propose and adopt the following goals that we believe will help chart the course for every child in Louisiana:

- a. focus on the early years;
- b. prepare students for the workplace;
- c. increase literacy, reduce dropouts;
- d. support teachers;
- e. support children and families;
- f. provide performance based accountability.

B. The mission and goals of education in Louisiana are achieved in part through implementation of the Louisiana Content Standards Foundation Skills and of the Information Literacy Model for Lifelong Learning.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2701 (December 2003).

§103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication: A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving: The identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization: The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials; word processors; computers; interactive devices; telecommunication; and other emerging technologies.

4. Linking and Generating Knowledge: The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship: The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2702 (December 2003).

§105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st

century. They must be prepared to live in an information-rich and changing global society. With the rapid growth of technology, the amount of information available is accelerating so quickly that teachers no longer are able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team.

B. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing: The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources: After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording: Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information: After recording information, students must examine and evaluate the data to use the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information: Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings: Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts: Throughout the information problem-solving process, students evaluate their efforts. This evaluation assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2702 (December 2003).

Chapter 3. Family and Consumer Sciences in Louisiana

§301. Introduction

A. Family and Consumer Sciences Education is a broad, comprehensive curriculum that enables individuals to function effectively as consumers, homemakers, parents, and employees or employers and to balance these roles successfully. It empowers individuals and families across the life span to manage the challenges of living and working in a diverse, global society. The unique focus is on families, work, and their interrelationships. Instruction strengthens basic academic skills in language arts, mathematics, science, and social studies and develops critical thinking skills through practical applications in real-life situations. Students gain a wide range of transferable skills that prepare them for multiple roles in today's society. The curriculum also allows entrance into the job market with the flexibility to function in new and emerging occupations. Through mastery of the key concepts (standards) and skills (benchmarks) outlined in this framework, students will become accomplished problem-solvers and informed decision makers. They will also be able to assume their places in the family and in the economic workforce as effective producers and consumers. Students of this state will also gain the skills needed to become lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2703 (December 2003).

§303. Mission and Goals

A. The mission of Family and Consumer Sciences Education is to prepare students for family, work, and careers by providing opportunities to develop the knowledge, skills, attitudes, and behaviors needed for:

1. strengthening the well-being of individuals and families across the life span;
2. becoming responsible citizens and leaders in family, community, and work settings;
3. promoting optimal nutrition and wellness across the life span;
4. managing resources to meet the needs of individuals and families;
5. balancing personal, home, family, and work lives;
6. using critical and creative thinking skills to address problems in diverse family, community, and work environments;
7. achieving successful life management, employment, and career development;
8. functioning effectively as providers and consumers of goods and services; and
9. appreciating human worth and accepting responsibility for one's actions and successes in family and work life.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2703 (December 2003).

§305. Description of Framework

A. In this document, framework refers to the entire field of Family and Consumer Sciences. A strand is the name of one of the five fields of study:

1. clothing and textiles;
2. housing, interiors, and furnishings;
3. human development and family relationships;
4. management of resources;
5. nutrition and foods.

B. The focus of each strand explains the discipline's importance to the overall education of students. The standards are descriptions of what a student should know and be able to do through subject matter, knowledge, and proficiencies gained as a result of studying that strand. Some strands have as many as 40 standards. Each standard is accompanied by benchmarks that identify processes and/or content that are used as a reference to assess student progress for the related standard. Curriculum was not addressed during the development of this framework. Each school system should assume responsibility for developing the local curriculum, using this document and the benchmarks in particular, as a guide. Content, instruction, and assessment methods should be approached by the individual teacher at the school level, based upon the approved curriculum. The relationship of each of these components is illustrated in the generic framework and the sample framework from Clothing and Textiles.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2703 (December 2003).

§307. Purpose and Development

A. This framework document articulates, organizes, and integrates the content and processes of Family and Consumer Sciences. Further, it establishes standards for Louisiana Family and Consumer Sciences Education programs, defines the parameters of the FACS discipline, and provides a guide for curriculum writers to use in developing sound programs in Family and Consumer Sciences. The standards are designed to develop students' comprehension, knowledge, and competence.

B. In 1997, the National Association of State Administrators of Family and Consumer Sciences (NASAFACS), in partnership with the Vocational Consortium offsets (V-TECS) and Southern Association of Colleges and Schools (SACS), provided leadership to the national standards project including research, development, validation/verification, implementation strategies, and dissemination phases.

C. The Louisiana FACS Content Standards Committee—comprised of FACS teachers, teacher-educators, and state and local supervisors—used the National Family and Consumer Sciences standards as a basis for Louisiana's standards. First, the national standards and benchmarks were

adapted to meet the needs of Louisiana's educational goals. The benchmarks were then cross-referenced to academic content standards and to the Louisiana Content Standards Foundation Skills.

D. The resulting framework uses the national standards to provide a unifying structure of course content, while maintaining sufficient flexibility to permit adaptability within local districts for the development of curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2703 (December 2003).

§309. Intended Audiences and Use

A. This framework is intended to be used by teachers and curriculum developers to plan curriculum, instruction, and assessment for teachers and students. It also serves as a general reference to the basic principles of Family and Consumer Sciences:

1. for teachers and curriculum developers: a guide for planning curriculum, instruction, and assessment;

2. for parents: a means of assessing the effectiveness of their children's Family and Consumer Sciences education;

3. for administrators, supervisors, and school board members: an insight for planning resource allocations, material purchases, local curriculum development, and teachers' professional development;

4. for policy makers and state education staff: a basis for developing laws, policies, and funding priorities to support local reforms;

5. for staff developers: a basis for creating professional development materials and strategies designed to increase teachers' knowledge of Family and Consumer Sciences content, teaching methodologies, and assessment strategies;

6. for colleges and universities: a guide for content and design of teacher preparation programs; and

7. for business and industry leaders and government agencies: a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

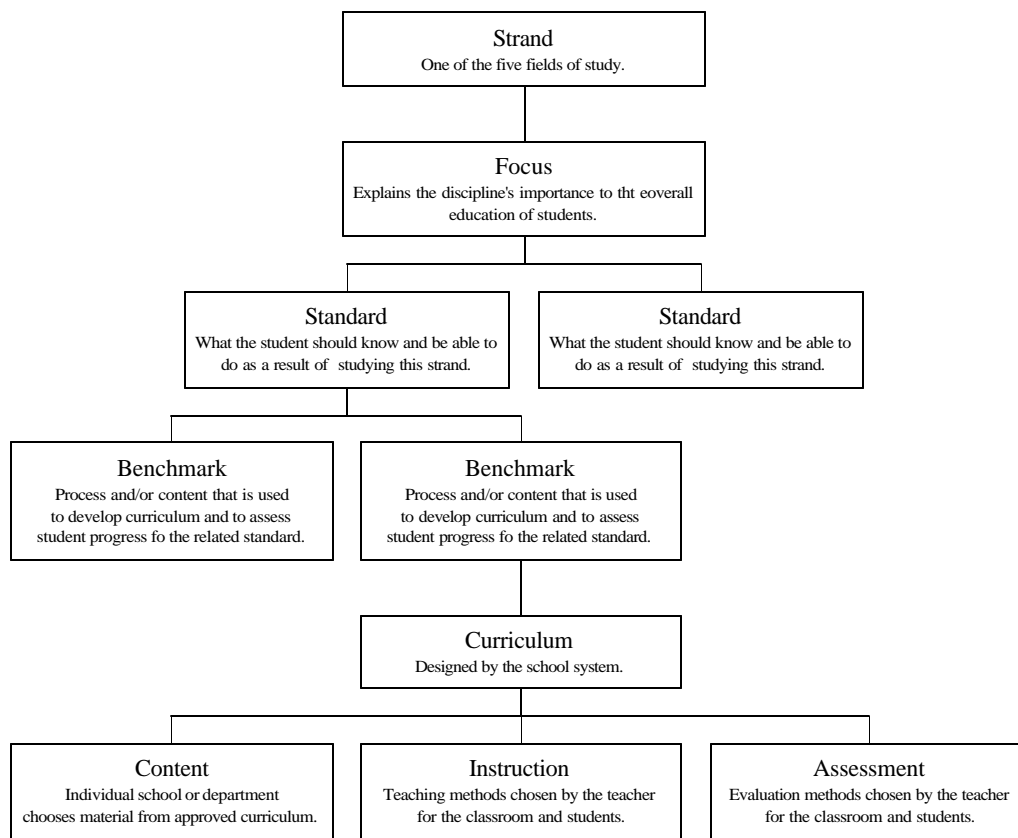
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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2704 (December 2003).

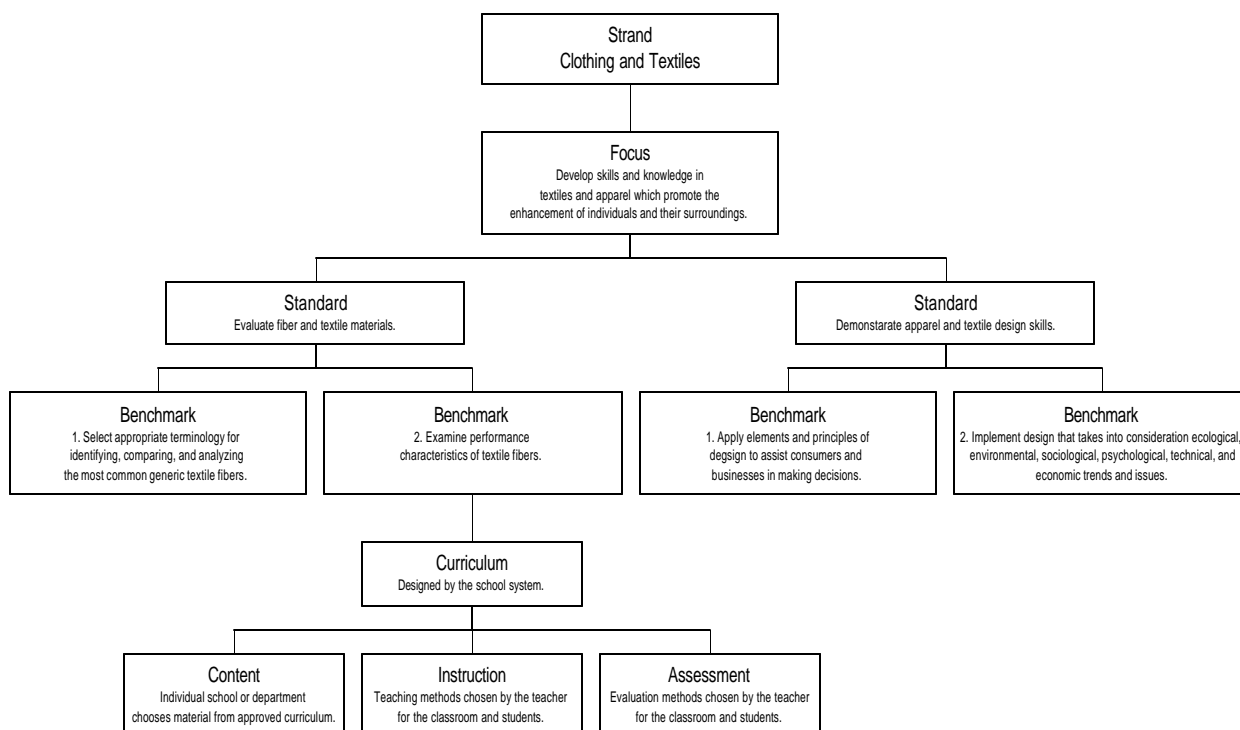
Chapter 5. Framework

§501. General

A. The Entire Field of Study



B. Quick Use References for Family and Consumer Sciences



AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2705 (December 2003).

§503. Strand: Clothing and Textiles

A. Focus. Develop skills and knowledge in textiles and apparel which promote the enhancement of individuals and their surroundings.

B. Standards

1. Evaluate fiber and textile materials.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Select appropriate terminology for identifying, comparing, and analyzing the most common generic textile fibers.	ELA 1-1,3,4,5 3-1,2,3 4-1,2 5-1,2,3,5,6 7-1,2,4	Social Studies G-1B-1,2,4 G-1C-1,2,5,6 G-1D-3,4 C-1C-2,3 C-1D-3,4	1,2,3,4,5
2. Examine performance characteristics of textile fibers.	Math P-1,3,5	E-1A-2,6 H-1A-5	
3. Examine textile legislation, standards, and labeling in the global economy.	Science SI-A-2,5,7	H-1B-6,9 H-1C-11	
4. Assess effects of textile characteristics on design, construction, care, use, and maintenance of products.	PS-D-1,7 SE-A-11 SE-B-4,5 SE-C-2,4 SE-D-1,2,4,5,6		
5. Select appropriate procedures for care of textile products.			

2. Demonstrate apparel and textile design skills.

FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Apply elements and principles of design to assist consumers and businesses in making decisions.	ELA 1-1,3,4 3-1,2,3 4-1,2 5-4,6	Social Studies G-1B-1 G-1C-2,3,5,6 G-1D-3,4	1,2,3,4,5
2. Implement design that takes into consideration ecological, environmental, sociological, psychological, technical, and economic trends and issues.	Math M-1,2,3,4 G-1,2,3,6 P-1	E-1A-6,8 E-1B-2 H-1B-6	
3. Demonstrate the ability to create or use a pattern from a sketch or photograph.	Science SE-A-1,3,11 SE-C-1,2,3,4 SE-D-1,2,3,4,5,6		
4. Demonstrate the ability to use technology for fashion design.			
5. Demonstrate hand and/or technological designs and textile procedures.			
6. Determine elements and principles of design for use in the textile industry.			
7. Apply basic and complex color schemes			

and color theory to develop and enhance visual effects.			
8. Examine the ways in which the elements and principles of design can affect visual appearance.			
9. Utilize elements and principles of design in designing, constructing and/or altering textile products.			

3. Demonstrate basic construction techniques used to produce, alter, or repair textile products.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Use a variety of equipment, tools, and supplies for apparel and textile construction.	ELA 1-5 3-2 4-1,2,3,4	Social Studies G-1B-1,2,4 G-1C-2,3,4,6 G-1D-1,2,3,4,5	1,2,3,4,5
2. Demonstrate the ability to use sewing equipment.	Math N-1,2,3,4,5	C-1C-3 H-1A-1,2	
3. Demonstrate basic skills for producing and altering textile products.	M-1,2,3,4 G-1 D-3	H-1B-6,9 H-1C-11	
4. Use appropriate industry materials for cleaning, pressing, and finishing textile products.			

4. Analyze concepts of textile design in the manufacturing of apparel and textile products.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the manufacturing processes that produce fibers and knit, woven, and non-woven textiles.	ELA 1-1,4 4-2,4,5 5-1,2,3,6	Social Studies G-1A-1 G-1B-2 G-1C-1,2,6 G-1D-1,2,3,4,5	1,2,3,4,5
2. Explore current technology to facilitate textile design and manufacturing.	Math G-1 P-1 Science SE-A-11 SE-C-2	C-1C-3 E-1A-1,2 E-1B-1,2 E-1C-2 H-1A-1,2 H-1B-6,9 H-1C-11,15	

5. Evaluate elements of textile and apparel merchandising.

Benchmarks	Academic Cross-References		Louisiana
1. Review marketing strategies for apparel and textile products.	ELA 1-1,3,4,5 4-4,5	Social Studies G-1B-1,2,4 G-1C-1 G-1D-1,2,3 C-1C-2,3 C-1D-1,3	1,2,3,4,5
2. Assess the cost of constructing, manufacturing, altering, or repairing textile products.	Math D-1,7,8,9 P-1,2	E-1A-1,2 E-1B-1,2,4 E-1C-4 H-1A-1,2,6 H-1B-6,9 H-1C-11,15	
3. Examine ethical consideration for merchandising apparel and textile products.	Science SE-C-2		
4. Examine external factors that influence			

Benchmarks	Academic Cross-References	Louisiana
merchandising. 5. Critique varied methods for promoting apparel and textile products.		

6. Evaluate the components of customer service.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess factors that contribute to quality customer relations.	ELA 1-3,4	1,2,3,4,5
2. Assess the impact of cultural diversity as a factor in customer relations.	2-2 4-1,2,4,5,6 5-1,2,3,6 7-1,2,4	
3. Determine the skills necessary for quality customer service.	Math N-1,2,5,7 M-1,2,3,4	
4. Determine solutions to address customer concerns.	Social Studies G-1A-2 G-1B-1,4 G-1C-4 C-1B-1.2 C-1C-2 H-1A-6 H-1B-6 H-1C-15	

7. Demonstrate effective communication skills.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication.	ELA 1-1,3,4 2-1,2,6	1,2,3,4,5
2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.	3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4	
3. Use accepted textile and apparel industry terminology and technical information.	Math N-1,3,4,5 A-1,3,4 M-1,2,3,4 G-1,2,3	
4. Practice client and interpersonal relation skills.	D-1,5,7,8,9 P-1,2	
5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity.	Science SI-A-3,6 PS-A-1	
6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.		
7. Exercise professional ethics in all matters related to the workplace.		

8. Demonstrate employability skills and general operational procedures required for business profitability and career success.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate effective verbal, non-verbal, and technological communication skills.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3	1,2,3,4,5
2. Demonstrate interpersonal skills related to conflict resolution, negotiation, and leadership skills.	4-1,2,3,4,6 5-1,2,3,5,6 7-1,2,4	
3. Demonstrate effective methods to locate, obtain,	Math N- 1,2,3,4,5,6 A-1,2,3,4	
	Social Studies G-1B-1,2,3,4 G-1C-2,3,4 G-1D-1,2,3,4,5 C-1A-4,5,6 C-1B-4 C-1D-1 E-1A-3,7 E-1B-1,2,3 E-1C-2,4 H-1A-1,6	

maintain, and terminate employment. 4. Examine legislation, government regulations, and public policy affecting the apparel and textile design, manufacturing, and merchandising industry. 5. Examine personal and employer responsibilities and liabilities regarding industry-related safety, security, and environmental factors. 6. Examine security and inventory control strategies, laws, and worksite policies, and analyze how they affect loss prevention and store profit. 7. Demonstrate procedures for reporting and handling accidents, safety, and security incidents. 8. Apply procedures for maintaining inventory control and loss prevention, including cash and credit transactions. 9. Examine operational costs such as mark up, mark down, cash flow, and other factors affecting profit. 10. Demonstrate knowledge of the arts, the use of various resources, and cultural impact upon design industries.	D-3,8 Science SI-1-3	H-1B-6,7,9,11,15	
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9. Evaluate career paths in the textile and apparel design, manufacturing, and merchandising industries.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Research the roles and functions of individuals engaged in careers in the textiles and apparel industry.	ELA 1-1,3,4,5 2-2,6 3-1,2,3	1,2,3,4,5
2. Assess employment opportunities and preparation requirements.	4-1,4,6 5-2,3,6 7-1,2,4	
3. Review education and training requirements for different levels of employment.	Math N-1,3,5,7 A-1,2,3,4 D-1,6,7,8,9	
4. Research entrepreneurial opportunities related to these careers.		
5. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.		
	Social Studies G-1B-1,4 G-1C-2,3,4,6 G-1D-5 C-1D-1 E-1A-3 E-1C-3,15	

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Clothing and Textiles
4. Advanced Clothing and Textiles
5. Clothing and Textile Services I
6. Clothing and Textile Services II

7. Adult Responsibilities

8. Family Life Education

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2706 (December 2003).

§505. Strand: Housing, Interiors, and Furnishings

A. Focus. Develop skills and knowledge that relate to housing, interior design, furnishings, and careers while promoting aesthetic, safe, and practical family living and work environments.

B. Standards

1. Evaluate housing decisions in relation to available resources and options.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Analyze housing as it relates to physical, safety, psychological, and sociological needs throughout the life span.	ELA 1-3,4,5 2-6 3-1,2,3 4-1	Social Studies G-1A-1 G-1B-3,4 G-1C-2,3,4,5,6 G-1D-1,2,3,5
2. Assess housing options in communities.	5-1,2,3,5,6 7-1,2,4	C-1A-1,2 C-1B-3,4 C-1D-1,3
3. Predict future housing trends.	Math D-1,4,5,6,7 Science SI-A-1,2,4,6 SI-B-1,2 ESS-A-1,2 SE-A-3 SE-B-5 SE-C-1,2,3,4,5 SE-D-1	E-1A-1,2,4,6 E-1B-1,3,6 H-1A-2,4,5,6 H-1C-7,11,15

2. Apply principles and elements of design to create environments that are aesthetic and functional.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Specify the principles and elements of design.	ELA 1-1,3,4 2-6	Social Studies G-1A-1 G-1B-1 G-1C-3
2. Analyze the psychological impact of the principles and elements of design on the individual.	3-1,2,3 4-1 5-2,3,6 7-1,2,4	
3. Analyze the effects that the principles and elements of design have on aesthetics and function.	Math A-1,2 M-1,2,3,4 G-1,2,3,6 Science SI-B-4	
4. Apply color schemes and color theory to develop and enhance visual effects.		

3. Demonstrate drafting, blueprint reading, and space planning skills using available technical resources.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Interpret information provided on blueprints.	ELA 1-1,3,4 2-2 3-1,2,3 4-1,2	Social Studies C-1A-1,3,5 C-1D-1,2,3 E-1A-6 H-1A-6 H-1B-6,9,15,16,17 H-1C-11,15
2. Evaluate floor plans for efficiency and safety in areas including, but not limited to, zones, traffic patterns, storage, electrical, and mechanical systems.	5-1,2,3,4,6 7-1,2,4 Math N-1,2,3,4,5,6,7 A-1,2,3,4 M-1,2,3,4,5 G-1,2,3,4,5,6 D-1,2,3,4,6,7,8,9 P-1,2,3,4,5	
3. Draw an interior space to scale, using correct architectural symbols and drafting skills.	Science SI-A-3,5	
4. Evaluate furniture placement with reference to principles of design, traffic flow, activity, and existing architectural features.		
5. Utilize applicable building codes and universal access guidelines and regulations in space planning.		
6. Create floor plans using technological resources.		

4. Analyze the influences on architectural and furniture design and development.

Benchmarks	Academic Cross-References	Louisiana
1. Describe features of furnishings that are characteristic of various historical periods.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3 4-1,3,4	Social Studies G-1B-1,2,4 G-1D-1,2,5 E-1A-1,2,8 E-1B-3,5 E-1C-2
2. Analyze how prosperity, mass production, and technology are related to the various time periods.	5-1,2,3,5,6 7-1,2,4 Math G-1,2,3,4,5,6 D-1,2,3,4,6,7,8,9 Science SE-A-4 SE-B-1,2,3,4,5,6	H-1A-1,2,4,5,6 H-1B-4,6,7,9,15,16, H-1C-10,11
3. Trace the development of architectural styles throughout history.		
4. Relate historical architectural details to current housing and interior design trends.		

5. Evaluate the use of housing and interior furnishings and products that relate to specific design needs.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Evaluate product information including, but not limited to, floor coverings, wall coverings, textiles, window treatments, furniture, lighting fixtures, kitchen and bath features, accessories, and building materials.	ELA 1-1,3,4,5 2-2,6 3-1,2,3 4-1,,2,3,4,5,6 5-1,2,3,5,6 7-1,2,4 Math N-1,2,3,4,5,7 A-1,4 M-1,2,3,4 G-1,2,4 D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-1,3,5 SE-B-1,2,4,5 SE-D-1,2	Social Studies G-1B-1 C-1C-2,3 D-1D-1,2 E-1A-1,2,5,6 E-1B-1,2,3,5,6 E-1C-2 H-1A-2 H-1B-1,6,7,9,16,17 H-1C-9,10,11,15	1,2,3,4,5
2. Defend the selection of manufacturers, products, and materials considering care, maintenance, safety, and environmental issues.			
3. Demonstrate measuring, estimation, ordering, purchasing, and pricing skills.			
4. Propose various interior furnishings, appliances, and equipment that provide cost and quality choices for clients.			

6. Evaluate client's needs, goals, and resources to create a design plan.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Evaluate human needs, safety, space, and technology as they relate to housing and interior design goals.	ELA 1-1,3,4,5 2-2,6 3-1,2,3 4-1,4,6 5-2,3,6 7-1,2,4 Math P-1 Science SE-C-2	Social Studies G-1A-1 G-1B-1,3 G-1D-1,4 C-1D-1 E-1B-1,2 H-1A-2,6 H-1B-4,6,7,9,15,17 H-1C-10,11,15	1,2,3,4,5
2. Identify and assess a variety of available resources needed to achieve housing and interior goals.			
3. Critique a design plan that addresses client's needs, goals, and resources.			

7. Demonstrate design ideas through visual presentation.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Use appropriate media to prepare visual presentation of design ideas.	ELA 3-1,3 5-1,2,3,4,6 Math D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-3	Social Studies H-1C-15	1,2,3,4,5

8. Demonstrate effective communication skills.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math N-1,3,4,5 A-1,3,4 M-1,2,3,4 G-1,2,3 D-1,5,7,8,9 P-1,2 Science SI-A-3,6 PS-A-1	Social Studies C-1D-1,2,3,4 E-1B-2 H-1A-6	1,2,3,4,5
2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.			
3. Use accepted interiors and furnishings industry terminology and technical information.			
4. Practice client and interpersonal relations skills.			
5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity.			
6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.			
7. Exercise professional ethics in all matters related to the workplace.			

9. Demonstrate employability skills and general procedures for business profitability and career success.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate effective verbal, non-verbal, and technological communication skills.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3 4-1,2,3,4,6 5-1,2,3,5,6 7-1,2,4 Math N-1,2,3,4,5,6 A-1,2,3,4 D-3,8 Science SI-A-3	Social Studies G-1B-1,2,3,4 G-1C-2,3,4,5,6 G-1D-1,2,3,4,5 C-1A-4,5,6 C-1B-4 C-1D-1 E-1A-3,7 E-1B-1,2,3 E-1C-2,4 H-1A-1,6 H-1B-6,7	1,2,3,4,5
2. Demonstrate interpersonal skills related to conflict resolution, negotiation, and leadership skills.			
3. Demonstrate effective methods to locate, obtain, maintain, and terminate employment.			
4. Examine legislation, government regulations, and public policy affecting the interiors and furnishings industry.			
5. Examine personal and employer responsibilities and liabilities regarding industry-related safety, security, and environmental factors.			
6. Examine security and inventory control strategies, laws, and worksite policies and analyze how they affect loss prevention and store profit.			
7. Demonstrate procedures for reporting and handling accidents, safety, and security incidents.			
8. Apply procedures for maintaining inventory control and loss prevention, including cash and credit transactions.			

9. Examine operational costs such as mark up, mark down, cash flow, and other factors affecting profits. 10. Demonstrate knowledge of the Arts, the use of various resources, and cultural impact upon design industries.			
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10. Evaluate career paths within the interiors and furnishings industries.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Research the roles and functions of individuals engaged in interiors and furnishings careers.	ELA 1-3,4,5 2-6 3-1,2,3	Social Studies 1,2,3,4,5 G-1B-1,4 G-1C-2,3,4,6 G-1D-1,5
2. Assess employment opportunities and preparation requirements.	4-1 5-1,2,3,6 7-1,2,4	C-1D-1 E-1A-3 E-1C-3
3. Review education and training requirements for different levels of employment.	Math N-1,3,5,7 A-1,2,3,4 D-1,6,7,8,9	H-1C-15
4. Research entrepreneurial opportunities related to these careers.		
5. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.		

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Housing
4. Housing and Design Services
5. Adult Responsibilities

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2708 (December 2003).

§507. Strand: Human Development and Family Relationships

A. Focus

?? Integrate multiple life roles to enable individuals to connect family, community, and career responsibilities.

2. Promote optimal growth and development of self, family members, and others across the life span.

3. Analyze how the well-being of individuals and society is dependent upon the family.

4. Demonstrate respectful and caring relationships in the family, community and workplace.

5. Analyze parenting roles and responsibilities and their impact on strengthening the well-being of individuals and families.

6. Develop practices that promote optimal growth and development of children.

B. Standards

1. Analyze human growth and development across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Explain principles of human growth and development.	ELA 1-1,3,4,5 4-1,2,4,6	1,3,4
2. Examine major historical and current human development theories to interpret human development.	5-1,2,3,6 7-1,2,4 Math P-1 Science LS-A3 LS-B1,B3,B4	
3. Examine the basic human needs and patterns that influence individual development.		
4. Explain factors that shape human development from preconception through the life cycle.		
5. Consider the influences of personality, temperament, and experience on learning and development.		
6. Investigate the interrelationship of physical, emotional, social, and intellectual development across the life span.		

2. Analyze personal and social forces that impact human growth and development across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Investigate the impact of heredity and family on human growth and development.	ELA 1-1,3,4,5 2-6 3-1,2,3	Social Studies 1,2,3,4,5 G-1B-4 G-1C-6 H-1C-15
2. Determine the impact of social, economic, and technological forces on human growth and development.	4-1,2,3,4 5-1,2,3,6 7-1,2,4 Math D-1 Science LS-B1,B3	
3. Explain the effects of gender, ethnicity, and culture on individual development.		
4. Assess the effects of environment and community on human growth and development.		
5. Explain the effects of life events and conditions on individuals' physical and emotional development.		

3. Analyze all aspects of a child's growth and development.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Analyze principles of human growth and development. 2. Evaluate major historical and current child development theories and their effects on educational practices. 3. Examine and assess all aspects of a child's growth and development in the following areas: physical, cognitive, language acquisition, social, and emotional. 4. Determine strategies that promote a child's growth and development. 5. Analyze cultural and environmental influences when assessing children's development.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math D-1 Science LS-A3 LS-B1,3,4	1,2,3,4,5

4. Evaluate the preparation necessary for a healthy emotional and physical beginning for parents and children.

*FHA/HERO Related

Benchmark s	Academic Cross-References	Louisiana
1. Assess biological processes related to prenatal development, birth, and factors that affect the health of mother and child. 2. Review the emotional factors of prenatal development and birth involving the health of the parents and child.	ELA 1-1,3,4,5 7-1,2,4 Math N-1,5 Science LS-A3 LS -B1,3,4	1,2,3,4,5

5. Evaluate strategies that promote healthy development across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Select nurturing practices that support development across the life span. 2. Assess available support systems that meet human needs. 3. Determine communication principles and patterns that affect human growth and development.	ELA 1-1,3,4,5 4-1,2,4,6 7-1,2,4 Math P-1	1,2,3,4

6. Evaluate attributes of respectful and healthy relationships.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Determine the processes for building and maintaining respectful and healthy relationships. 2. Review functions and expectations of various types of relationships. 3. Determine factors contributing to healthy and unhealthy relationships. 4. Assess processes for handling unhealthy relationships. 5. Appraise the impact of life events and conditions on relationships. 6. Assess the effect that various stages of the life span have on relationships.	ELA 1-1,3,4,5 2-1,2,4,6 7-1,2,4 Math D-1	1,2,4

7. Analyze personal needs and characteristics which influence relationships.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine personal, physical, social, emotional, cognitive, and creative characteristics which influence relationships. 2. Explain how self-esteem and self-image affect relationships with others. 3. Compare physical, emotional, and intellectual responses to stable and unstable relationships. 4. Examine personal ethical standards and codes of conduct. 5. Examine the effects of personal needs on relationships.	ELA 1-1,3,4 4-4,6 7-1,2,4 Math D-1 Social Studies C-1D-2	1,2,3,4,5

8. Demonstrate the capacity to empathize with others based on multiple perspectives, needs, and characteristics that may affect personal and family relationships.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate the impact of empathy on relationships. 2. Demonstrate awareness of cultural diversity and its impact on relationships. 3. Examine the consequences of making generalizations about cultural groups by using categories or labels.	ELA 1-1 4-1,4,6 7-1,2,4 Math D-1 Social Studies G-1B-4	1,2,3,4,5

9. Demonstrate communication skills that contribute to positive relationships.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine communication styles and their effects on relationships. 2. Examine factors that affect messages communicated to others. 3. Examine types of verbal and non-verbal communication. 4. Demonstrate active and reflective listening. 5. Demonstrate attitudes and behaviors that foster effective communication. 6. Examine communication barriers. 7. Demonstrate constructive feedback techniques. 8. Apply ethical principles in communication. 9. Examine how differences and similarities among people affect communication.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4	1,2,3,4,5

10. Apply strategies to prevent and manage conflict.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Determine causes of conflict. 2. Determine effective conflict prevention and management. 3. Determine the origin and development of attitudes and behaviors toward conflict. 4. Determine how similarities and differences among people affect conflict prevention and management. 5. Determine the roles of decision making and problem solving in reducing and managing conflict. 6. Demonstrate nonviolent strategies to address conflict. 7. Locate community resources that support conflict prevention and management. 8. Determine physical, emotional, and intellectual responses to threats.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4	Social Studies G-1C-4 1,2,3,4,5

11. Demonstrate leadership skills and abilities reflecting the democratic process in the family, community, and workplace.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Present the attributes of a family, team, or work group utilizing the democratic process. 2. Examine the impact of leadership skills, abilities, and styles on collaborative group actions. 3. Demonstrate leadership skills that support group members and achieve group goals. 4. Establish guidelines for leadership in the family, community, and workplace. 5. Examine leadership in relation to the ability to create and adjust to change.	ELA 1-4 2-6 3-1,2,3 4-1,2,3,4,6 7-1,2,4	1,2,3,4,5

12. Demonstrate ethical standards to guide behaviors in the family, community, and workplace.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine ethical standards for making judgments related to personal and family relationships. 2. Apply ethical standards when making judgments and taking action. 3. Apply guidelines for assessing the ethical nature of issues and situations. 4. Demonstrate ethical behaviors in the family, community, and workplace.	ELA 1-1 7-1,2,4	1,2,3,4,5

13. Apply strategies to manage stressful situations.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine ethical standards for making judgments related to personal and family relationships. 2. Apply ethical standards when making judgments and taking action. 3. Apply guidelines for assessing the ethical nature of issues and situations.	ELA 1-1 4-2 7-1,2,4 Science LS-G1,G3,G4	1,3,4,5

4. Demonstrate ethical behaviors in the family, community, and workplace.			
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14. Demonstrate leadership and team skills in the family, community, and workplace.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate ways to show respect for ideas and contributions of all group members.	ELA 1-1 4-1,6 7-1,2,4	Social Studies G-1B-3,4
2. Demonstrate ways to organize and delegate responsibilities.		
3. Demonstrate ways to motivate and encourage group members.		
4. Demonstrate ways to cooperate, compromise, and collaborate.		
5. Demonstrate ways to develop team and community spirit.		
6. Create an environment that encourages expressing ideas and perspectives.		
7. Examine the strengths and limitations of team members.		
8. Create strategies for integrating new members into a team.		
9. Apply transferable leadership skills that may be applied in family, community and workplace environments.		
10. Demonstrate transferable planning skills for designing group visions, missions, and policies related to critical issues of the family, community, and workplace.		

15. Examine the significance of the family.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Analyze the development of families in this culture and others.	ELA 1-1,3,4,5 2-6 3-1,2,3	Social Studies G-1B-1
2. Analyze the impacts of social, economic, and technological forces on the family.	4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math	
3. Describe the roles of family in teaching culture to family members.	D-1	
4. Describe the roles of family in instilling societal skills of communication, education, and role expectations.		

16. Analyze family development and change across time and cultures.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Describe family formation.	ELA 1-1,3,4,5	Social Studies C-1D-1,3,4
2. Describe major family responsibilities including care giving, child rearing, social, legal, education, economic, leisure, security, and spirituality.	2-1,2,3,4,6 3-1,2,3 4-1,2,4,6 7-1,2,4 Math D-1 Science LS-A3, B1,3,4	
3. Compare ways in which family members are dependent, interdependent, and independent.		
4. Examine commitment and interdependence among family members.		
5. Analyze the family as a system and its effects on individual family members within the family unit.		
6. Examine how knowledge of family systems contributes to family well-being.		
7. Examine the potential impact of a change in family membership.		

17. Analyze the characteristics of strong and healthy families.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate how the use of problem-solving skills in making choices empowers family members.	ELA 1-1,3,5 4-1,2,4,6 7-1,2,4	1,2,3,4,5
2. Demonstrate leadership by supporting individual family members to clarify and pursue their own visions, empowering them to use problem-solving skills in decision making.		
3. Examine the roles of family communication to enhance family stability.		
4. Analyze skills and resources families use in meeting family functions.		
5. Recognize difficulties in predicting long-term consequences of family actions.		

18. Analyze the relationship of careers to individual and family needs and desires.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate career paths to determine the skills, roles, and responsibilities associated with each.	ELA 1-1,3,4,5 2-6 3-1,2,3 5-1,2,3,4,5,6	Social Studies G-1C-2,3,6 G-1D-4	1,2,3,4,5
2. Examine the potential of career path decisions related to finances, time, geographic locations, future career viability, and other considerations.	7-1,2 Math D-6,7		
3. Examine how individual career goals can enhance the family's capacity to meet goals for all family members.			
4. Examine the issues related to balancing family and work roles.			

19. Analyze roles and responsibilities of parenthood.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Explain the roles of parenting.	ELA 1-1,3,4,5	Social Studies G-1B-3,4	1,2,3,4,5
2. Explain how opinions and attitudes about childhood affect beliefs and actions in parenting.	4-1,2,4,6 7-1,2,4 Math N-1,2	C-1D-1	
3. Compare expectations and responsibilities of parenthood.	M-1,2,4 D-1,7,9		
4. Examine consequences of parenting practices to the individual, family, and society.			
5. Examine cultural differences in roles and responsibilities of parenthood.			

20. Analyze societal conditions that impact parenting.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Analyze the impact of personal, family, and social development on parenthood.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4	Social Studies C-1A-5 C-1B-1,2,3	1,2,3,4,5
2. Examine society's influence on the behaviors and emotional patterns of caregivers and family members.	Math D-1		
3. Explore the impact of changing economic conditions on parenting practices.			

21. Analyze parenting skills and practices needed to support physical, economical, social, intellectual, and emotional well-being throughout the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Examine the interrelationships of parents and other family members and analyze their effect on others.	ELA 1-1 4-1,2,4,6 7-1,2,4		1,2,4,5
2. Determine the role of nurturance in supporting the development of family members.			
3. Examine communication strategies which promote positive self-esteem in family members.			

22. Analyze public policies, agencies, and services that impact parenting.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Investigate community resources and services available for protection, health, education, and wellness needs of family members.	ELA 1-1,3,4,5 5-1,2,3,6	Social Studies C-1D-3,4	1,2,3,4,5
2. Investigate community agencies and services that provide opportunities to learn parenting skills.			

23. Demonstrate a safe and healthy learning environment.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Manage physical space to meet established state regulations for a safe environment.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4 Math N-1	Social Studies C-1B-6 C-1D-3	1,2,3,4,5
2. Manage potential environmental hazards.	M-1,3		
3. Demonstrate security and emergency procedures.	Science SE-C1,2 SE-A-11		
4. Carry out safe and healthy practices that comply with state regulations to include, but not be limited to, first aid and CPR, universal precautions, food handling, tuberculosis prevention, sanitation, and child's health status.			
5. Implement strategies to teach children healthy habits.			
6. Prepare nutritious meals and snacks.			
7. Identify symptoms of child abuse and neglect and use appropriate procedures to report suspected abuse or			

neglect to the designated authorities. 8. Implement basic health practices and prevention procedures regarding childhood illnesses and communicable diseases.			
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24. Apply developmentally appropriate practices to the care of children.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Identify developmental milestones of a child's growth and development. 2. Apply a variety of assessment methods to observe and interpret children's behavior. 3. Identify the special needs of exceptional children. 4. Recognize individual learning styles and cultural backgrounds. 5. Arrange learning centers that provide for a child's exploration and discovery. 6. Consider the effects of cultural practices on children's behavior.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4 1,2,3,4,5

25. Demonstrate integrated curriculum and instruction that focus on children's developmental needs and interests.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Explore a variety of curricula and instructional models. 2. Implement learning activities in all curricular areas that meet the developmental needs of children. 3. Demonstrate a variety of teaching methods to meet individual needs of children. 4. Set up activities, routines, and transitions. 5. Implement an integrated curriculum that incorporates a child's language, learning styles, home experiences, and cultural values.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4 G-1C-4 1,2,3,4,5

26. Demonstrate positive classroom management and child guidance methods.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Establish developmentally appropriate guidelines for behavior. 2. Implement a variety of techniques for positive guidance and proactive classroom management. 3. Model problem-solving skills with children. 4. Model interpersonal skills that promote positive and productive relationships. 5. Facilitate constructive, supportive interaction and communication skills with children, families, and colleagues.	ELA 4-1,2,4,6 7-1,2,4	1,2,3,4,5

27. Demonstrate positive collaborative relationships with families and the community.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Implement strategies for involving families to promote a child's growth and development. 2. Communicate information to parents regarding developmental issues and concerns related to children. 3. Demonstrate sensitivity to differences in family structure, social, and cultural backgrounds. 4. Identify resources that link families to community services based on identified priorities and concerns.	ELA 2-1,2,3,4,6 3-1,2,3 4-1,2,4,6 5-1,2,3,6 7-1,2,4	Social Studies G-1B-4 G-1C-4 1,2,3,4,5

28. Demonstrate the interrelationship of family, community, and career roles and responsibilities for individuals.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine the relationship of social, economic, and technological changes to work and family dynamics. 2. Examine life roles and responsibilities in relation to self, family, and the community. 3. Design strategies to manage time, finances, conflict, opportunity, and stress as they affect the individual and	ELA 1-1,3,4,5 2-6 3-1,2,3 5-1,2,3,4,5,6 7-1,2 Math N-1,2,3 D-7	Social Studies C-1B-3, 4 C-1C-3 C-1D-1, 3, 4 E-1A-1, 2, 3, 5, 6, 7 E-1B-1, 2, 3, 5, 6 E-1C-2, 3, 4 H-1A-6 H-1C-15 1,2,3,4,5

family at home, at work, and in the community. 4. Examine family support systems and community resources. 5. Examine sources of formal and informal support available to families and individuals in the community.			
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29. Analyze the relationship among families, communities, and employment.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Distinguish between dependency and empowerment and explain how each affects individual and family well-being. 2. Compare the concepts of service and self-interest and the impact of each on individuals, family, and community. 3. Identify how public policies, institutions, and agencies can strengthen or undermine the family. 4. Develop a plan to promote conditions that enhance family life.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,4 5-1,2,3,6 7-1,2,4	Social Studies C-1D-3 1,2,3,4,5

30. Demonstrate the impact of individual and family participation on community activities.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine community needs related to all aspects of individual and family activities. 2. Design a plan for individuals and families to select, participate, and develop skills in community activities. 3. Execute skills needed to provide services that benefit the community. 4. Examine the effects of service to the community on individuals and families.	ELA 1-1,3,4,5 2-6 3-1,2,3 5-1,2,3,4,5,6 7-1,2	Social Studies C-1 D-1,2,3,4 1,2,3,4,5

31. Analyze issues related to the workplace and community and explain how these issues may be addressed by individuals, families, and collectively, by communities.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine trends in the workplace, communities, and culture that impact individuals and families. 2. Interpret policies and issues in the workplace and community that impact individuals and families. 3. Examine strategies that can address the needs of individuals and families in the workplace and community.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,3,4 5-1,2,3,6 7-1,2,4 Math D-1	Social Studies G-1B-1,4 G-1C-4,6 H-1C-15 1,2,3,4,5

32. Synthesize community networking opportunities in family and community services.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Identify local, state, and national agencies and informal support resources providing human services to individuals and families. 2. Research human service agencies and relevant resource information. 3. Analyze the missions and practices of human service agencies. 4. Network and form partnerships with local human service agencies. 5. Conduct needs assessments of local human service agencies. 6. Plan, conduct, and assess ongoing activities or projects, such as service learning, to address the needs of human service agencies and schools.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,4,6 5-1,2,3,6 7-1,2,4	Social Studies C-1D-3,4 1,2,3,4,5

33. Analyze professional, ethical, legal, and safety issues in community services.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Identify the development of human service providers. 2. Investigate professional, ethical, legal, and safety issues that confront human service employees.	ELA 1-1,3,4,5 5-1,2,3,6 7-1,2,4	C-1D-1,3,4 1,2,3,4,5

<p>3. Evaluate licensing laws and regulations that affect service providers and their participants.</p> <p>4. Analyze harmful, fraudulent, and deceptive human service practices.</p> <p>5. Identify the rights and responsibilities of human service participants and their families.</p> <p>6. Demonstrate professional, ethical, legal, and safety practices in human services.</p> <p>7. Demonstrate effective individual, family, and self-advocacy strategies to overcome diverse challenges facing human service participants.</p>			
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34. Evaluate conditions affecting individuals and families with a variety of disadvantaging conditions.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
<p>1. Describe the stages of life span development.</p> <p>2. Determine health, wellness, and safety issues of individuals and families with a variety of disadvantaging conditions.</p> <p>3. Determine management and living environment issues of individuals and families with a variety of disadvantaging conditions.</p> <p>4. Determine personal, social, emotional, economical, vocational, educational, and recreational issues for individuals and families with a variety of disadvantaging conditions.</p> <p>5. Differentiate between situations that require personal prevention or intervention from those situations that require professional assistance.</p> <p>6. Identify strategies that require crisis intervention.</p> <p>7. Justify the appropriate support</p>	<p>ELA 1-1,3,4,5 4-1,2,4,6 7-1,2,4</p>		<p>1,2,4,5</p>

<p>needed to address selected human service issues.</p>			
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35. Demonstrate practices, helping processes, and skills that provide human services to individuals and families with a variety of disadvantaging conditions.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
<p>1. Describe characteristics and issues related to special populations.</p> <p>2. Identify needs and accommodations for people with a variety of disadvantaging conditions.</p> <p>3. Identify ways in which the family is affected financially, socially, and emotionally by individuals with a variety of disadvantaging conditions.</p> <p>4. Identify coping or adjustment strategies and stress management practices for the participant, caregivers, and family members.</p> <p>5. Recognize the importance of friends, family, and community relationships to individuals with a variety of disadvantaging conditions.</p> <p>6. Provide support which validates the participants' capabilities and rights to privacy, dignity, and autonomy.</p> <p>7. Observe professionals meeting the physical, personal management, and community living needs of participants.</p> <p>8. Assist and support professionals to enable participants to develop strategies to make informed choices, access resources and support, follow through on responsibilities, and take appropriate risks.</p> <p>9. Model verbal and non-verbal communication skills related to advising and counseling by human service professionals.</p> <p>10. Appraise helping processes and skills provided by professionals in human services.</p>	<p>ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3,6 7-1,2,4 Math N-1,2 D-1</p>	<p>Social Studies C-1D-3</p>	<p>1,2,3,4,5</p>

36. Demonstrate positive interactions and communication within the work environment.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate communication and interaction skills that foster team building. 2. Demonstrate respect of individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 3. Prepare for and participate in program-sponsored events. 4. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	ELA 4-1,2,4,6 7-1,2,4	Social Studies G-1B-4 G-1C-4	1,2,3,4,5

37. Demonstrate effective communication skills that enhance collaborative working relationships.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication. 2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership. 3. Use accepted career/service terminology and technical information. 4. Practice appropriate personal hygiene and dress requirements for early childhood, education, and human service careers. 5. Practice client and interpersonal relations skills. 6. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 7. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math D-1 N-5	Social Studies C-1D-1,2,3,4 H-1A-6 E-1B-2	1,2,3,4,5

38. Demonstrate transferable employability skills in relation to individual, family, community, and career roles.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate job-seeking skills. 2. Apply communication skills in family, community and career settings. 3. Demonstrate work ethics and professionalism. 4. Maintain safe and healthy family, community, and workplace environments. 5. Demonstrate team skills needed in the family, community, and workplace. 6. Demonstrate technological literacy, as applied in family, community and workplace environments. 7. Apply the economics of work to individual, family, and community needs.	ELA 1-1,3,4,5 2-2,4,6 3-1,2,3 4-1,2,3,4,6 5-1,2,3,5,6 7-1,2,4 Math D-1	Social Studies C-1D-1,2,3,4 E-1B-3,6 E-1C-4 H-1C-15	1,2,3,4,5
8. Relate essential living skills to employability skills for individuals. 9. Practice appropriate personal hygiene and dress requirements needed in various workplaces.			

39. Demonstrate professional practices and standards when working with children and families.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Participate in continuing training and educational opportunities. 2. Apply professional ethical standards accepted by the recognized professional organizations. 3. Implement federal, state, and local standards, policies, regulations, and laws which impact children, families, and programs. 4. Demonstrate employability skills. 5. Demonstrate confidentiality. 6. Maintain all records required by program and licensing standards.	ELA 1-1 7-1,2,4	Social Studies C-1D-3,4	1,2,3,4,5

40. Evaluate career paths within early childhood, family, community, and education services.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess the importance of early childhood, family, community, and educational services in the United States and the world.	ELA 1-3,4,5 2-6 3-1,2,3 4-1 5-1,2,3,6 7-1,2,4	Social Studies 1,2,3,4,5 G-1B-1,4 G-1C-2,3,4,6 G-D-5 C-1D-1 E-1A-3 E-1C-3
2. Research the roles and functions of individuals engaged in early childhood, family, community, and educational services careers.	Math D-1,7	
3. Assess employment opportunities and preparation requirements.		
4. Review education and training requirements for different levels of employment.		
5. Assess the impact of early childhood, family, community, and educational service occupations on the local, state, national, and global economies.		
6. Research entrepreneurial opportunities related to these careers.		
7. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.		

41. Evaluate management skills for establishing a quality business related to children.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess various types of businesses.	ELA 1-1,3,4,5	Social Studies 1,2,3,4,5
2. Determine the need for quality services.	5-1,2,3,6 7-1,2,4	G-1A-1,4 E-1A-1,2,3,8
3. Investigate the legal requirements and tax laws for a business.	Math N-1,2	E-1B-1,2,3
4. Investigate insurance issues related to businesses.	D-1,7,8,9	
5. Critique financial plans for businesses.		
6. Examine marketing and management plans that may be applied to businesses.		

C. Available Courses

1. Family and Consumer Sciences I
2. Family and Consumer Sciences II
3. Adult Responsibilities
4. Child Development

5. Family Life Education
6. Parenthood Education
7. Advanced Child Development
8. Child Care I
9. Child Care II

10. Home/Institutional Support Services

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2710 (December 2003).

§509. Strand: Management of Resources

A. Focus

1. Analyze the roles managing human, economic, and environmental resources may have on enabling individuals, families, and communities to achieve self-sufficiency.

2. Integrate practices in family and community services to address the unique needs of individuals and families.

3. Develop skills and strategies that focus on careers in consumer sciences.

B. Standards

1. Demonstrate management principles to meet individual and family needs and wants in relation to food, clothing, shelter, health care, and transportation.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine how individuals and families make choices to satisfy needs and wants.	ELA 1-1,3,4,5 2-6 3-1,2,3	Social Studies 1,2,3,4,5 C-1A-5,6,7 C-1B-2,3,4,5,6 C-1D-1,3,4
2. Utilize a time management plan to meet individual and family goals.	4-1,2,4,6 5-1,2,3,6 7-1,2,4	E-1A-1,2,3,6,7,8 E-1B-1,2,3 E-1C-2,3,4
3. Design a plan of work to organize tasks and responsibilities.	Math N-1,2,5 M-1,4	H-1A-6 H-1C-15
4. Apply consumer skills needed to purchase safe and nutritious food for individuals and the family.		
5. Apply consumer skills needed to purchase, create, and maintain clothing.		
6. Implement decisions related to housing and furnishings based on the needs of individuals and family members.		
7. Examine information for procuring and maintaining health care to meet the needs of individuals and family members.		
8. Apply consumer information for acquiring and maintaining transportation to meet the needs of individuals and family members.		

2. Demonstrate how a personal life plan reflects family, community, learning, leisure, and career goals.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine careers in relation to individual and family needs, lifestyle, values, and financial resources.	ELA 1-1,3,4,5 2-1,2,3,6 3-1,2,3 4-1,2,4 5-2	Social Studies 1,2,3,4,5 G-1B-1,4 G-1C-2,4,6 G-1D-2,4 C-1A-6 C-1B-2,3,6
2. Plan goals for life-long learning and leisure opportunities for all family members.	7-1,2,4 Math D-7	C-1D-1,2,3,4 E-1A-3 H-1C-15
3. Design strategies to promote growth of individuals within the family and within selected career paths.		
4. Compose goals to support community and civic responsibilities as individuals and family members.		
5. Integrate individual, family, community and work activities to meet multiple goals at one time.		
6. Analyze skills and knowledge needed to develop alternative strategies for life- plan visions as unexpected changes occur related to individual, family, community, and work situations.		

3. Analyze the interrelationship between the economic system and consumer decisions and actions.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine how individuals and societies make choices to satisfy needs and wants with limited resources.	ELA 1-1,3,4,5 4-4,5,6 5-1,2,3,5,6 7-1,2,4	Social Studies 1,2,3,4,5 C-1A-3,5,7 C-1B-3 C-1D-1,2,3,4 E-1A-
2. Examine the components of the economic system and examine how individuals are a part of the system.	Math N-1,5 A-1 M-4 D-1,6,7 Science SE-B1,2,4	1,2,3,4,5 E-1B-1,2,3,4,5,6 E-1C-2,4 H-1A-6 H-1C-15
3. Consider personal responsibility for use of resources.		
4. Examine laws and regulations that pertain to consumers and providers of services.		
5. Examine how career decisions affect the economic status of individuals and the family, and in turn, the economic system.		
6. Determine practices that allow families to maintain economic self-sufficiency.		
7. Compare the availability, costs, and benefits of accessing public, nonpublic, and		

for profit services to assist the family.			
8. Investigate how individuals exchange work or resources for income to buy goods and services and pay taxes.			

4. Analyze financial planning to meet the needs of individuals and families across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Investigate information related to financial management.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-2,5,6 5-1,2,3,4,5,6 7-1,2,4 Math N-1,2,3,4,5 M-2,4 D-1,6,7	Social Studies 1,2,3,4,5 C-1D-1 E-1A- 1,2,4,5,6,7 E-1B- 1,2,3,4,5,6 E-1C-2,3,4 H-1C-15
2. Examine the purposes of personal and legal documents related to home and family management.		
3. Apply financial management practices related to budgeting, banking, credit, savings, and investments.		
4. Examine the need for personal and family financial planning at various stages of the life span.		
5. Explore individual and family needs for insurance for life, health, apartment/home, and auto.		

5. Demonstrate how to develop a long-term financial management plan.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Investigate information related to financial management.	ELA 1-1,3,4,5 2-1,2,3,4,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,4,5,6 7-1,2,4 Math N-1,2 M-1,4 D-1,7,8	Social Studies 1,2,3,4,5 C-1A-5,7 C-1D-1 E-1A-1,2,3,5,6,7 E-1B-1,2,3,4,5,6 E-1C-2,3,4 H-1C-15
2. Examine the purposes of personal and legal documents related to home and family management.		
3. Apply financial management practices related to budgeting, banking, credit, savings, and investments.		
4. Examine the need for personal and family financial planning at various stages of the life span.		
5. Explore individual and family needs for insurance for life, health, apartment/home, and auto.		

6. Demonstrate how individual and family behaviors maintain and protect the environment.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana	
1. Evaluate how environmental trends and issues affect families and future generations.	ELA 1-1,3,4,5 2-6 4-2,4,5,6	Social Studies G-1D-2,4,5 C-1A-5	1,2,3,4,5
2. Implement behaviors that conserve, reuse, and recycle resources to maintain the environment.	5-1,2,3,5,6 7-1,2,4 Math D-1,6,7 Science	C-1B-6 C-1D-3 E-1A-8 E-1B-4,5,6 H-1A-6	
3. Demonstrate individual and family responsibility in relation to the environment.	SE-A-11 SE-B-1,2,3,4,5,6 SE-C-1,2,3,5 SE-D-1,2,3,4,5,6	H-1C-15	
4. Implement government regulations for conserving natural resources.			

7. Analyze resource consumption in the home and workplace for conservation and waste management practices.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana	
1. Contrast sources and types of energy.	ELA 1-1,3,4,5	C-1B-6 C-1D-1,3	1,2,3,4,5
2. Analyze sources and types of residential and commercial energy, waste disposal, and pollution issues.	2-6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math	E-1A-7,8 E-1B-2 H-1A-6 H-1C-15	
3. Assess consumer programs and services provided by government, public utilities, resource recovery businesses, and environmental organizations.	N-1,2,6 M-1 D-5 Science ESS-A1 SE-A-1 SE-B-1,2,4,5,6 SE-C-1,2,3,4,5 SE-D-1,2,3,4,5,6		
4. Recommend strategies and consumer practices that help consumers and businesses conserve energy and reduce waste.			
5. Evaluate waste management issues.			
6. Describe roles of government, industry, and family in energy consumption and conservation as they relate to the home and workplace.			

8. Analyze the impact of technology on resource management for individuals and families.

Benchmarks	Academic Cross-References	Louisiana	
1. Explore types of technology currently impacting consumer decision making.	ELA 1-1,3,4,5 4-4,5,6 5-1,2,3,4,6 7-1,2,4 Math	Social Studies C-1B-6 C-1D-1,3,4 H-1C-15	1,2,3,4,5
2. Examine how media and technological advancement impact consumer decisions.	N-1 D-7 Science		
3. Examine the impact of technology on financial planning.	SE-C-3 SI-A-3		
4. Identify technology to assist individuals and families with activities at home, in the community, and in the workplace.			

9. Analyze technologies and their effects on managing individual, family, community, and career roles and responsibilities.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana	
1. Examine the forms and functions of technologies and their relationship to individual, family, community and work roles and responsibilities.	ELA 1-1,3,4,5 4-5 5-1,2,3,5,6 7-1,2,4 Math	Social Studies C-1A-5 C-1B-1,2,3,4,6 C-1D-1,2,3,4	1,2,3,4,5
2. Investigate the validity of claims related to the impact of technology, based on personal, ethical, and technical evaluation criteria.	N-1 D-7	E-1A-2 E-1B-1,2,3 E-1C-3 H-1C-15	
3. Consider the cost of technologies in relation to various roles in terms of labor-saving, safety, health, and well-being criteria.			

10. Demonstrate a plan for product development, testing procedures, and demonstration techniques.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana	
1. Conduct market research to determine consumer trends and product development needs.	ELA 1-1,3,4,5 3-2 4-1,2,3,4,5,6 5-1,2,3,4,5,6 7-1,2,4 Math	Social Studies E-1B-3 E-1C-2 H-1C-15	1,2,3,4,5
2. Design or analyze a consumer product.	N-1,2 M-1 D-1,7 Science		
3. Compare features, prices, product information, styles, and performance of consumer goods and analyze the trade-offs among the components.	SI-A-1,2,3,6,7 SI-B-4,5		

4. Perform a test on a product, utilizing valid and reliable testing procedures. 5. Apply statistical analysis processes to interpret, summarize, and report data from tests. 6. Analyze the labeling, packaging, and support materials of consumer goods. 7. Demonstrate a product or educate an audience.			
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11. Adapt features of products or services to meet customer needs and resources.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Utilize appropriate sales techniques to compare, demonstrate, assist, and advise consumers in the selection of goods and services that meet consumer needs. 2. Compare features, prices, and product information to prioritize and use consumer goals to maximize satisfaction in product use.	ELA 1-1,3,4,5 4-1,3,4,6 5-1,2,3,5,6 7-1,2,4 Math N-1,2 M-1,3 D-1,7	Social Studies C-1D-1 1,2,3,4,5

12. Analyze policies that support consumer rights and foster consumer responsibilities.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine state and federal policies and laws related to consumer protection regarding goods and services purchased. 2. Investigate how policies become laws in relation to consumer responsibilities. 3. Explore how to seek information related to consumer rights issues.	ELA 1-1,3,4,5 2-6 3-1,2,3 4-2,4,5,6 5-1,2,3,5,6 7-1,2,4 Math D-2,7	Social Studies C-1A-5,7 C-1B-1,2,3,4,6 C-1C-2 C-1D-1,3,4 E-1A-1,2,4,5,6,7,8 E-1B-1,2,3,4,5,6 E-1C-2,3,4 H-1A-6 H-1C-15 1,2,3,4,5

13. Analyze the impact of consumer rights and responsibilities on business/industry, consumers, and consumer-interest advocates within business/industry, government, and grassroots organizations.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Describe national, state, and local laws and resources related to consumer protection and explain the means by	ELA 1-1,3,4,5 2-1,2,3,4,6 3-1,2,3 4-1,2,3,4,5,6	Social Studies C-1A-1,3,5,7 C-1D-1,3 E-1B-3,5 1,2,3,4,5

which policy makers motivate change in products, services, and business practices. 2. Explain strategies for consumers to exercise their rights and responsibilities. 3. Analyze the costs/benefits of consumer protection laws on goods and services. 4. Analyze the impact of consumer fraud on business and the consumer and recommend strategies to reduce the risk of fraud. 5. Explain the consumer perspective on issues through a variety of media.	5-1,2,3,5,6 7-1,2,4 Math N-1,2 M-1,4	E-1C-4 H-1A-6 H-1C-15	
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14. Analyze company policies, procedures, and product knowledge to develop solutions to customer problems.

Benchmarks	Academic Cross-References	Louisiana
1. Analyze customer needs and wants. 2. Identify strategies and alternatives available to resolve customer problems considering company policies and procedures. 3. Apply product knowledge to suggest use, care, or services to meet customer satisfaction. 4. Examine consumer groups and company departments affected by customer relations decisions.	ELA 1-1,3,4 4-2,4,6 5-2,3,6 7-1,2,4 Math D-1	Social Studies C-1B-6 C-1D-1,2,3,4 1,2,3,4,5

15. Demonstrate, by using terms and phrases common to consumer affairs, those appropriate educational or promotional materials that inform, persuade, and/or educate consumers about consumer issues.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Conduct investigative research concerning consumer issues (including the Internet). 2. Prepare and present educational, advertising, or public relations materials (such as videos, press kits, public service announcements, fact sheets, etc.) for consumer use. 3. Evaluate the effect of educational or promotional materials on consumer behavior. 4. Evaluate sources of information that aid the consumer in selection or use of products and	ELA 1-1,3,4,5 2-1,2,3,4,5,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,4,5,6 7-1,2,4 Math N-2,5 D-1,6,7	Social Studies C-1A-1,5 C-1B-6 C-1D-1,2,3,4 E-1A-8 E-1B-1,2,3,4,5,6 E-1C-2,3 H-1A-6 H-1C-15 1,2,3,4,5

services. 5. Utilize appropriate communications technology in delivering and receiving educational and promotional messages.			
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16. Demonstrate professional behaviors, skills, and knowledge in community services.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Follow rules, regulations, and work-site policies that affect employer, employee, participant, and family rights and responsibilities. 2. Demonstrate professional, collaborative relationships with colleagues, support teams, participants, and families. 3. Demonstrate cooperative working relationships across age, gender, and diverse groups. 4. Demonstrate ability to work independently, share responsibilities, accept supervision, and assume leadership roles. 5. Apply critical and creative thinking, reasoning, and problem-solving skills in community services. 6. Collect, compile, evaluate, and maintain accurate and confidential documentation to be submitted in a timely manner to appropriate sources. 7. Analyze the strengths, needs, preferences, and interests of participants through observation of formal and informal assessment practices. 8. Identify important sources of support and resources for participants. 9. Investigate appropriate technology in community services.	ELA 1-1,3,4,5 4-1,2,4,6 5-1,2,3 7-1,2,4	Social Studies C-1D-1,3,4 H-1C-15

17. Demonstrate effective communication skills.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate clear and logical written, verbal, and non-verbal communication. 2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math N-5	Social Studies G-1B-1,2,3,4 G-1D-1,2,3,4 H-1A-6 E-1B-2

3. Use accepted consumer affairs terminology and technical information. 4. Practice client and interpersonal relations skills. 5. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 6. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements. 7. Exercise professional ethics in all matters related to the workplace.			
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18. Evaluate career paths within consumer affairs occupations.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess the importance of consumer affairs occupations in the United States and the world. 2. Research the roles and functions of individuals engaged in careers in consumer affairs occupations. 3. Assess employment opportunities and preparation requirements. 4. Review education and training requirements for different levels of employment. 5. Assess the impact of consumer affairs occupations on the local, state, national, and global economies. 6. Research entrepreneurial opportunities related to these careers. 7. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	ELA 1-3,4,5 2-6 3-1,2,3 4-1 5-1,2,3,6 7-1,2,4 Math N-1,2 A-3 M-1 D-1,7	Social Studies G-1B-1,4 G-1C-2,3,4,6 G-1D-5 C-1D-1 E-1A-3 E-1C-3 H-1C-15

C. Available Courses

1. Family and Consumer Sciences I
 2. Family and Consumer Sciences II
 3. Adult Responsibilities
 4. Family Economics
 5. Family and Consumer Sciences Cooperative Education
 6. Family Life Education
- AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2719 (December 2003).

§511. Strand: Nutrition and Foods

A. Focus

1. Evaluate nutritional and wellness practices to promote individual and family well-being across the life span.

2. Develop career competencies in all aspects of food production and service, food science, dietetics, and nutrition that promote health and wellness of individuals and families.

B. Standards

1. Analyze the internal and external factors that influence nutritional practices and wellness across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Examine the psychological, cultural, and social influences related to food choices.	ELA 1-1,3,4,5 4-4,5,6 5-1,2,3,6 7-1,2,4	Social Studies 1,2,3,4,5 G-1B-1,2,4 G-1C-2,4,6 G-1D-3,4 C-1A-1,7
2. Explore the societal, governmental, socio-economic, and technological influences related to food choices and practices.	Math N-5 A-1,3 M-2,3,4 D-1,5 Science LS-G3,5 ESS-A2	C-1B-3 C-1C-3 E-1A-1,2,4,6 E-1B-1,2,3,4,5,6 E-1C-3 H-1A-6 H-1B-6,7,9,16,17
3. Examine the impact of food choices on the global community.	SE-A3,11 SE-B-1,5 SE-C-2 SE-D-1,4	H-1C-1,4,5,6,7,8,9, 10,11,15

2. Evaluate the nutritional content of food in relation to health and wellness needs of individuals and families.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Analyze the effect of nutrients on health, appearance, job performance, and personal/family life.	ELA 1-1,3,4,5 4-4,5 5-1,2,3,6 7-1,2,4 Math N-2	Social Studies 1,2,3,4,5 G-1C-2,3 G-1D-3,4 C-1B-3,4 C-1C-2 C-1D-3 E-1A-1,2 E-1B-1,2 H-1C-15
2. Examine the relationship of nutrition and wellness to individual and family health, including the extended family from the very young to the elderly.	A-1,3 M-1 D-1,5 P-2 Science LS-G1	
3. Judge the impact of food addictions and eating disorders on wellness.		
4. Evaluate sources of food and nutrition information that contribute to wellness.		
5. Interpret information regarding nutrition to promote health and wellness.		

3. Evaluate and apply nutrition information.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Assess and use basic nutrition principles, food plans, preparation techniques, and specialized dietary plans. (1) (2)	ELA 1-1,3,4,5 2-6 3-1,2,3 4-1,2,3,4,6 5-1,2,3,6 7-1,2,4	Social Studies 1,2,3,4,5 G-1B-4 G-1C-3,4,6 G-1D-1,4 C-1C-1 C-1D-3 E-1A-1,2,4,5 E-1B-1,2,4,5,6
2. Determine nutrient requirements across the life span addressing the diversity of people, culture, and religions. (1) (2) (4)	Math N-1,2,4 M-1,4 D-1,2,6,7 Science LS-G5	
3. Appraise and interpret nutritional data from food. (1)		
4. Assess principles to maximize nutrient retention in prepared foods. (2) (4) (5)		
5. Assess the influence of socioeconomic and psychological factors on food and nutrition behavior. (2)		
6. Choose menus based on nutrient needs.		
7. Monitor recipe/formula proportions and modifications for food production. (2)		
8. Critique the selection of foods to promote a healthy lifestyle.		
9. Categorize foods into exchange groups and plan appropriate menus based on the nutritional needs. (4)		
10. Instruct individuals on nutrition for health maintenance and disease prevention.		

4. Demonstrate planning, selecting, storing, preparing, and serving of foods to meet needs of individuals and families across the life span.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Apply various dietary guidelines in developing food plans to meet nutrition and wellness needs.	ELA 1-1,3,4,5 4-2,4,6 5-2,3,6 7-1,2,4 Math N-1,2,3,4	Social Studies 1,2,3,4,5 G-1B-1,4 G-1C-1,2,3,6 G-1D-1,2,3,4 C-1B-3 C-1C-2,3 C-1D-3 E-1A-1,2,5 E-1B-1,2,5 E-1C-3 H-1A-6 H-1B-6,18
2. Select nutritious foods for a variety of situations.	A-3 M-1,2 D-1,2,7,8 Science SI-A-2,3,4	
3. Select appropriate food preparation methods, based on		

available resources, to meet nutritional and health needs. 4. Construct alternative ways to meet health and special nutritional needs considering available resources. 5. Select, store, prepare, and serve nutritious and aesthetically pleasing foods that meet health and wellness needs of family members. 6. Implement a life plan that promotes wellness. 7. Demonstrate proper table setting, service, and table manners.	LS -G-2,4 PS-D-6 PS-G-1	H-1C-5,6,7,8,9,11 H-1C-15	
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and explain how these changes impact food supplies available in retail establishments. 4. Assess conditions that create a safe working environment for food production. 5. Research the national, state, and local inspection systems that are in place to protect the health of individuals and the public.			
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7. Demonstrate food safety and sanitation procedures.

5. Analyze food-borne illness as a health issue for individuals and families.

Benchmarks	Academic Cross-References	Louisiana
1. Investigate the causes and prevention for food borne disease and illness. 2. Examine the role of families in teaching personal hygiene and sanitation practices to family members. 3. Determine which individuals are most at-risk for developing food-borne illness. 4. Determine the symptoms of food-borne illness and describe the health implications. 5. Consider when and where to report food borne illness.	ELA 1-1,3,4,5 2-6 4-2,4,6 5-1,2,3,6 7-1,2,4 Math N-1,2,5 A-1 M-1.3 D-1,2,7 Science LS-G-2,3,4,5	Social Studies H-1C-15 1,3,4,5

6. Evaluate the factors affecting food safety from production through marketing.

Benchmarks	Academic Cross-References	Louisiana
1. Appraise safety and sanitation practices throughout the food chain that contribute to food contamination with organisms that can lead to illness. 2. Determine contamination risks of perishable and non-perishable foods. 3. Assess changes in national and international food production and distribution systems	ELA 1-1,3,4,5 4-2 5-1,2,3,6 7-1,2,4 Math N-1,2 A-1,3 M-1 D-1,2,3 P-2 Science PS-D1 LS-G2,4,5	Social Studies G-1C-1,2,6 G-1D-3,4 C-1A-6 C-1B-3 C-1C-2 C-1D-3 E-1A-1,2,4,5,6 E-1B-1,2,3,4,5,6 H-1A-6 H-1B-15,18 H-1C-11,15

Benchmarks	Academic Cross-References	Louisiana
1. Examine pathogens found in food and determine how time, temperature, pH, and moisture affect their growth, causing illness. (5) 2. Practice food service management safety/sanitation procedures. (3) 3. Design a system for documenting, investigating, and reporting incidents of a food borne illness. (3,5) 4. Apply safe shopping, storing, preparing, and serving principles during food handling to reduce the risk of food borne illness. (4) 5. Practice good personal hygiene/health procedures and report symptoms of illness. (4) (5) 6. Demonstrate proper receiving and storage of both raw and prepared foods. (4) 7. Demonstrate food handling and preparation techniques that prevent cross contamination between raw and ready-to-eat foods and between animal or fish sources and other food products. (5) 8. Examine current types and proper uses of cleaning materials and sanitizers. (4) 9. Apply OSHA's Right to Know Law and Material Safety	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4 5-6 7-1,2,4 Math N-1,2,3 A-1 M-1 D-1,7 Science LS-G2,4,5 SE-B2	Social Studies 1,2,3,4,5 C-1A-1,5,6 C-1B-4,6 C-1C-1,2 C-1D-3 E-1B-2,5,6 H-1C-15

Data Sheets and explain their requirements in handling hazardous materials. (4) 10. Apply waste disposal and recycling methods. (4) 11. Demonstrate ability to maintain necessary records to document time and temperature control, employee health, maintenance of equipment, and other elements of food preparation, storage, and presentation. (5)			
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8. Analyze information on product labels that have food safety implications for individuals and families.

Benchmarks	Academic Cross-References	Louisiana
1. Examine the labeling requirements mandated by federal, state, or local authorities for product packaging.	ELA 1-1,3,4,5 5-2,6 7-1,2,4 Math N-1,2	Social Studies C-1A-6 C-1B-3 C-1D-1,3 E-1B-5,6 E-1C-4
2. Examine the manufacturer's product descriptors and use-by/sell-by dates.	M-1,2,3 D-1,6,7 Science LS-G2,4,5	H-1A-6 H-1C-15

9. Evaluate the impact of science and technology on food composition and safety, nutrition, and wellness of individuals and families.

Benchmarks	Academic Cross-References	Louisiana
1. Assess current technology to locate food and nutrition information.	ELA 1-1,3,4,5 4-5 5-1,2,3,5,6	1,2,3,4,5
2. Determine how scientific and technical advancements have impacted the nutrient content, availability, and safety of foods.	7-1,2,4 Math N-1,2 M-1,2,4 D-1,6,7 Science SI-A3	
3. Assess the impact of scientific and technical advancements in food processing, product development, and storage on the nutrition and wellness of individuals and families.	PS-C4 PS-D1,2	
4. Review current technology in the selection, preparation, and home storage of food.		
5. Critique nutrition assessment data using current technology.		

6. Assess the effects of food science and technology in meeting nutritional needs.			
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10. Contribute to the public dialogue about food safety and sanitation.

Benchmarks	Academic Cross-References	Louisiana
1. Interpret for others food safety and sanitation needs as related to the wellness of individuals and families.	ELA 1-1,3,4,5 2-1,2,3 3-1,2,3 4-1,2,3,4,6 5-6 7-1,2,4	Social Studies C-1A-1,5,6 C-1B-6 C-1D-1,3
2. Examine the need for food safety and sanitation processes and procedures that result in the wellness of individuals and families.	Math N-2 M-1 D-1,7 Science LS-G2,4,5	1,2,3,4,5
3. Illustrate how individuals can impact food safety and sanitation related to food eaten outside the home.		

11. Demonstrate knowledge of risk-management procedures as applied to food safety, food testing, and sanitation.

*FHA/HERO Related *

Benchmarks	Academic Cross-References	Louisiana
1. Demonstrate knowledge of factors that contribute to food borne illness. (5)	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4 5-6	Social Studies H-1C-15
2. Demonstrate knowledge of food service management safety/sanitation programs. (3)	7-1,2,4 Math N-1,2,3 A-1	
3. Use knowledge of the system for documenting and investigating reports of a food borne illness. (3)	M-1 D-1,7 Science LS-G2 SE-B1,2,4 SE-D1,2	
4. Utilize the Hazard Analysis Critical Control Point (HACCP) during all food handling processes as a method for minimizing the risk of food borne illness. (4)		
5. Practice good personal hygiene/health procedures when handling food.		
6. Develop procedures for receiving and storage of raw and prepared foods. (4)		

7. Describe current types of cleaning materials and sanitizers and their proper use. (4) 8. Apply OSHA's Right to Know Law and Material Safety Data Sheets (MSDS) and explain their requirements in handling hazardous materials. (4) 9. Carry out waste disposal and recycling methods. (4)			
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5. Examine efficiency of equipment purchases based on long-term business needs and specific regulations and codes related to foods. (3) (5) 6. Demonstrate procedures for storage of equipment and tools.			
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12. Utilize current technology in food product development.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Utilize various factors that affect food preferences in the marketing of food. 2. Utilize data in statistical analysis. 3. Prepare food for presentation and evaluation. 4. Maintain test kitchen/laboratory and related equipment and supplies. 5. Implement procedures that affect quality product performance. 6. Conduct sensory evaluations of food products. 7. Utilize technology for testing safety of food products.	ELA 1-1 4-2 5-6 7-1,2,4 Math N-1,2,5,6 A-1 M-1,4 D-1,7 Science SI-A3,4,7	1,2,3,4,5

13. Demonstrate selecting, using, and maintaining food production equipment.

Benchmarks	Academic Cross-References	Louisiana
1. Operate tools and equipment following safety procedures and OSHA requirements. (1) (3) (4) 2. Maintain tools and equipment following safety procedures and OSHA requirements. (1, 3, 4) 3. Verify the selection and use of equipment. 4. Demonstrate procedures for cleaning and sanitizing equipment. (3)	ELA 1-1,5 4-1,2,3,4,6 5-2,6 7-1,2,4 Math N-6 Science SI-A7 LS-G2	Social Studies 1,2,3,4,5 C-1A-1,5 C-1B-6 C-1D-3

14. Demonstrate planning menu items based on standardized recipes to meet customer needs.

Benchmarks	Academic Cross-References	Louisiana
1. Use computer-based menu systems. (3) 2. Apply menu planning principles to develop and modify menus. (3) (4) 3. Examine food and equipment needed for menus. 4. Design a menu layout. (3) 5. Prepare requisitions for production requirements. (4) 6. Evaluate performance of menu items. (3)	ELA 1-1,3,4,5 2-2,3,4,6 3-1,2,3 4-2 5-1,2,3,4,6 7-1,2,4 Math N-1,5 D-1 Science SI-A3	1,2,3,4

15. Demonstrate preparing all categories of menu items utilizing commercial materials to produce a variety of food products.

*FHA/HERO Related

Benchmarks	Academic Cross-References	Louisiana
1. Apply principles of food preparation to a variety of food products. (4) 2. Demonstrate skills in knife, tool, and equipment handling. (4) 3. Demonstrate a variety of cooking methods including roasting, baking, broiling, smoking, grilling, sautéing, frying, deep frying, braising, stewing, poaching, steaming, stir-frying, convection, microwaving, and emerging technological methods. (4) 4. Utilize weights and measures to demonstrate proper scaling and measurement techniques.	ELA 1-1,3,4,5 4-2,4,6 5-6 7-1,2,4 Math N-1,2,3,4 M-1,2,4 D-1,7	Social Studies 1,2,3,4,5 G-1B-1,2,3,4 H-1C-15

<p>5. Apply use of herbs, spices, oils, and vinegars. (4)</p> <p>6. Prepare various meats, seafood, and poultry. (4)</p> <p>7. Prepare various stocks, soups, and sauces. (4)</p> <p>8. Prepare various fruits, vegetables, and starches. (4)</p> <p>9. Prepare various salads, dressings, and marinades. (4)</p> <p>10. Prepare sandwiches, canapés, appetizers, and beverages. (4)</p> <p>11. Prepare breakfast meats, eggs, cereals, and batter products. (4)</p> <p>12. Apply the fundamentals of baking science to the preparation of a variety of products. (4)</p> <p>13. Apply the fundamentals of time and temperature to cooking, cooling, and reheating of a variety of foods. (4)</p> <p>14. Demonstrate food presentation techniques. (4)</p> <p>15. Calculate the cost of using convenience food items. (4)</p>			
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16. Demonstrate food science, dietetics, and nutrition management functions.

Benchmarks	Academic Cross-References	Louisiana
1. Build menus incorporating customer/client's nutritional needs. (1)	ELA 1-1 2-6 3-1,2,3	Social Studies 1,2,3,4,5 C-1A-1,5 C-1B-6 C-1D-3
2. Monitor food preparation, production, and testing systems. (1, 2)	4-2,4,6 5-2,3,4,6 7-1,2,4 Math N-1,2,3,4,5,6	
3. Verify standards for food quality. (1)	A-1 M-1,2,4	
4. Create standardized recipes. (1)	D-1,7 Science SI-A2,3,4	
5. Project amounts of food needed. (1)	LS-G2	
6. Examine new products. (1)		
7. Implement procedures that provide cost-effective products. (1)		
8. Establish par levels for the purchase of supplies based on an organization's needs.		
9. Utilize Food Code Points of time,		

temperature, date markings, cross contamination, hand washing, and personal hygiene as criteria for safe food preparation. (5)			
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17. Demonstrate implementation of food service management functions.

Benchmarks	Academic Cross-References	Louisiana
1. Apply principles of purchasing and receiving in food service operations. (4)	ELA 1-1,3,4,5 2-1,2,6 3-1,2,3 4-1,2,3,4,6	Social Studies 1,2,3,4,5 C-1A-1,4,5 C-1B-6 C-1C-2,3 C-1D-3
2. Apply the procedures involved in staff planning, recruiting, interviewing, and selection of employees.	5-1,2,3,4,5,6 7-1,2,4 Math N-1,5 A-2 D-1	E-1A-1,2,4,5,6 E-1B-2,5,6 H-1C-15
3. Design staff schedules.		
4. Conduct staff orientation, regular training and education, and on-the-job training/retraining.		
5. Examine human resource policies including rules, regulations, and laws involving hiring, compensation, and overtime.		
6. Examine the areas of legal liability within the food service industry.		
7. Practice inventory procedures including first in/first out concept, date markings, and specific record keeping. (5)		
8. Apply accounting principles in planning and forecasting profit and loss.		
9. Implement a marketing plan.		
10. Design internal/external disaster plans.		

18. Demonstrate quality customer service used in food production industries.

Benchmarks	Academic Cross-References	Louisiana
1. Examine the role of service as a strategic component of performance.	ELA 1-1 2-2,3,4,6 3-1,2,3 4-1,2,3,4,6	Social Studies 1,2,3,4,5 C-1A-1,5 C-1B-5,6 C-1D-1,3,4
2. Demonstrate quality services which exceed the expectations of customers. (2) (4)	5-6 7-1,2,4	E-1A-3

3. Examine the relationship between employees and customer satisfaction. 4. Apply strategies for resolving complaints. 5. Demonstrate sensitivity to diversity and individuals with special needs.			
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19. Demonstrate effective communication skills.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Demonstrate written, verbal, and non-verbal communication. 2. Demonstrate positive interpersonal skills to resolve conflict, negotiate, work as a team, and provide leadership. 3. Use accepted food science, food service, dietetics, and nutrition industry terminology and technical information. 4. Practice grooming and dress requirements in the food industry. 5. Practice client and interpersonal relations skills. 6. Demonstrate respect for individual differences with sensitivity to anti-bias, gender equity, age, and cultural diversity. 7. Demonstrate commitment, enthusiasm, and initiative to business goals and improvements. 8. Exercise professional ethics in all matters related to the workplace.	ELA 1-1,3,4 2-1,2,6 3-1,2,3 4-1,2,3,4,5,6 5-1,2,3,6 7-1,2,4 Math N-5 Science SI-A3	Social Studies C-1D-1,2,3,4 E-1B-2 H-1A-1,6 G-1B-1,2,3,4 G-1C-6	1,2,3,4,5

20. Evaluate career paths within the food production, food science, dietetics, and nutrition industries.

*FHA/HERO Related

Benchmarks	Academic Cross-References		Louisiana
1. Research the roles and functions of individuals engaged in food service management, food production, food science, dietetics,	ELA 1-3,4,5 2-6 3-1,2,3 4-1 5-1,2,3,6 7-1,2,4	Social Studies E-1A-1,2,3,6 E-1B-1,2,3,4,5,6 E-1C-3 H-1C-15	1,2,3,4,5

public health, and nutrition education careers. 2. Assess employment opportunities and preparation requirements. 3. Review education and training requirements for different levels of employment. 4. Assess the impact of the food production, food service, food science, dietetics, and nutrition industries on the local, state, national, and global economies. 5. Research entrepreneurial opportunities related to these careers. 6. Assess how interests, education, personal priorities, and family responsibilities affect career choices in these areas.	Math N-1,2 A-3 M-1 D-1,7 Science SE-B4,5		
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References: Some materials were reviewed by professionals or abstracted from sets of standards from the following organizations. These numbers follow the benchmarks to which they apply.

- (1) Dietary Managers Association
- (2) American Dietetics Association
- (3) National Restaurant Association
- (4) American Culinary Federation
- (5) United States Food and Drug Administration, Center for Food Safety and Applied Nutrition

C. Available Courses

- 1. Family and Consumer Sciences I
- 2. Family and Consumer Sciences II
- 3. Food Science
- 4. Nutrition and Food
- 5. Advanced Nutrition and Food
- 6. Food Services I
- 7. Food Services II

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2724 (December 2003).

§513. Academic Cross-Reference Codes

A.1. Cross-references to academic content standards reinforce the integration of academic and Family and Consumer Sciences skills. English Language Arts, Mathematics, Science, and Social Studies academic standards are cross-referenced in the second and third column beside each Family and Consumer Sciences standard. The academic standards are listed in full in the Appendices. The framework also references the five Louisiana Foundation Skills developed by the Louisiana Content Standards Task Force; these skills, which apply to all students in all disciplines, are:

- a. communication;

- b. problem solving;
- c. resource access and utilization;
- d. linking and generating knowledge; and
- e. citizenship.

2. Codes used in the framework to identify the academic standards are given below, as well as a sample page from the framework.

B. ELA (English Language Arts). Standard number is given; then benchmark number

C. Mathematics. Strand letter is given; then benchmark number

N Number and Number Relations Strand

A Algebra Strand

M Measurement Strand G Geometry Strand

D Data, Discrete Math, and Probability Strand

P Patterns, Relations, and Functions Strand

D. Science. Strand letter is given; then benchmark letter and number

SI Science As Inquiry Strand

PS Physical Science Strand

LS Life Science Strand

SE Science and the Environment Strand

E. Social Studies. Strand letter is given; then benchmark letter and number

G Geography Strand

C Civics Strand

E Economics Strand

H History Strand

F. Example:

Standard Seven: Demonstrate design ideas through visual presentation.

*FHA/HERO Related

4? Interpreting texts to generate connections to real-life situations.

5? Applying reading strategies to achieve a variety of objectives.

Standard Two: Students write competently for a variety of purposes and audiences.

1? Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.

2? Focusing on information, concepts, and ideas that show an awareness of an intended audience and/or purpose.

3? Applying the steps of the writing process, emphasizing revising and editing in final drafts.

4? Using narration, description, exposition, and persuasion to develop various modes of writing.

5? Recognizing and applying literary devices and various stylistic elements.

6? Responding to text and life experiences as a basis for writing.

Standard Three: Students communicate using conventional grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

1? Writing legibly.

2? Demonstrating a command of the grammatical and mechanical conventions of standard English.

3? Spelling and pronouncing correctly using resources

Standard Four: Students demonstrate competence in speaking and listening as tools for learning and communicating.

1? Speaking intelligibly.

2? Giving and following directions/procedures.

3? Demonstrating a command of the features of speaking when giving prepared and extemporaneous presentations.

4? Speaking and listening for a variety of audiences and purposes.

5? Listening and responding to a wide variety of media.

6? Participating in a variety of roles in group discussions.

Standard Five: Students locate, select, and make use of information from a variety of texts, media, references, and technological sources.

1? Recognizing and using organizational features of printed text, other media, and electronic information.

2? Locating and evaluating information sources.

3? Accessing information and conducting research using outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.

4? Using available technology to produce, revise, and publish a variety of works.

5? Citing references using various formats.

6? Interpreting charts/graphs, tables/schedules, diagrams/maps, and organizational charts/flowcharts.

Standard Six: Students read, analyze, and respond to literature as a record of life experiences.

1? Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.

2? Analyzing distinctive elements of ancient, American, British, and world literature.

3? Identifying, analyzing, and responding to a variety of classic and contemporary literature from many genres.

4? Analyzing various genres as records of life experiences.

Benchmarks	Academic Cross-References	Louisiana
1. Use appropriate media to prepare visual presentation of design ideas.	ELA 3-1,3 5-1,2,3,4,6 Math D-1,2,3,4,6,7,8,9 P-1,4,5 Science SI-A-3	Social Studies H-1C-15

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2729 (December 2003).

§515. Referenced Academic Content Standards

A. The following is a list of the content standards and benchmarks that have been referenced in this document. All referenced content area standards and benchmarks are for students in grades 9-12.

B. English Language Arts (ELA)

Standard One: Students read, comprehend, and respond to a variety of materials for a variety of purposes.

1? Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies.

2? Analyzing the effects of complex literary devices and complex elements on a selection.

3? Reading, responding to, and critiquing written, spoken, and visual texts.

Standard Seven: Students apply reasoning skills to their reading, writing, speaking, listening, viewing, and visually representing.

1? Using comprehension strategies in all contexts.

2? Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.

3? Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.

4? Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations.

C. Mathematics

Number and Number Relations Strand (N): In problem-solving investigations, use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers to help develop an intuitive understanding of the real number system and communicate the relationships within that system.

N.1? Demonstrating an understanding of number systems.

N.2? Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation.

N.3? Using number sense to estimate and determine reasonableness of solutions.

N.4? Determining whether an exact or approximate answer is necessary.

N.5? Selecting and using appropriate computational methods for given situations.

N.6? ? Applying ratios and proportional thinking in a variety of situations.

N.7? Justifying reasonableness of solutions and verifying results.

Algebra Strand (A): In problem-solving investigations, use appropriate manipulatives, models, graphs, tables, and technology to develop the understanding of concepts and to explore the applications of algebra.

A.1? Demonstrating the ability to translate real world situations into algebraic expressions, equations, and inequalities.

A.2? Recognizing the relationship between operations involving real numbers and operations involving algebraic expression.

A.3? Using tables and graphs as tools to interpret algebraic expressions, equations and inequalities.

A.4? Solving algebraic equations and inequalities using appropriate techniques.

Measurement Strand (NI): In problem-solving investigations, use appropriate manipulatives and available technology to develop the understanding of the concepts, processes, and real-life applications of measurement.

M.1? 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? Demonstrating an intuitive sense of measurement.

M.3? Estimating, computing, and applying physical measurement using suitable units.

M.4? Demonstrating the concept of measurement as it applies to real-world experiences.

Geometry Strand (G): In problem-solving investigations, use appropriate models, drawings, manipulatives, and technology to understand concepts and explore real-world applications of one-, two-, and three-dimensional geometry, and justify solutions.

G.1? Identifying, describing and comparing to explore and make conjectures about geometric concepts and figures.

G.2? Representing and solving problems using geometric models and the properties of those models.

G.3? Solving problems using coordinate methods, as well as synthetic and transformational methods.

G.4? Using inductive reasoning to predict, discover, and apply geometric properties and relationships.

G.5? Classifying figures in terms of congruence, similarity, and applying these relationships.

G.6? Demonstrating deductive reasoning and justification.

Data, Discrete Math, and Probability (D): In problem-solving investigations, use appropriate collecting and organizational techniques, manipulatives, and technology in order to discover trends, to formulate conjectures regarding cause-and-effect relationships, and to develop critical-thinking skills that enable the student to make informed decisions.

D.1? Designing and conducting statistical experiments that involve collecting and representing data in various forms.

D.2? Recognizing data that relates two variables as linear, exponential, or otherwise in nature.

D.3? Using simulations to estimate probability.

D.4? Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures.

D.5? Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple event probabilities.

D.6? Demonstrating the concept of distributions and recognizing normal and non-normal distributions.

D.7? Making inferences from data that are organized in charts, tables, and graphs.

D.8? Demonstrating logical thinking procedures such as flow charts and truth tables.

D.9? Using discrete math to model real-life situations.

Patterns, Relations, and Functions (P): In problem-solving investigations, use appropriate number sense, manipulatives, drawings, tables, graphs, symbolic formulas, and technology to organize information, recognize patterns which may develop, and use those patterns to make predictions.

P.1? Modeling the concepts of variables, functions, and relations as they occur in the real world and using the basic notations and terminology.

P.2? Translating between tabular, symbolic, and graphical representations of functions.

P.3? Recognizing behavior of elementary functions and using graphing technologies to represent them.

P.4? Analyzing the changes in the graphs of functions caused by changing the coefficients and constants of arbitrary functions using technology whenever appropriate.

P.5? Analyzing real-world relationships that can be modeled locally or globally by elementary functions.

D. Science

Science As Inquiry Strand (SI): Students do science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A: The Abilities Necessary to do Scientific Inquiry

- 1? Identifying questions and concepts that guide scientific investigations.
- 2? Designing and conducting scientific investigations.
- 3? Using technology to improve investigations and communications.
- 4? Formulating and revising scientific explanations and models using logic and evidence.
- 5? Recognizing and analyzing alternative explanations and models.
- 6? Communicating and defending a scientific argument.
- 7? Utilizing science safety procedures during scientific investigations.

Benchmark B: Understanding Scientific Inquiry

- 1? Understanding that scientists usually base their investigations on existing questions or causal/functional questions.
- 2? Understanding that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, prediction of current theories, and comparison of models and theories.
- 3? Understanding that scientists rely on technology to enhance the gathering and manipulation of data.
- 4? Understanding that scientists must adhere to criteria such as: A proposed explanation must have a logical structure, abide by the rules of evidence, be open to questions and modifications, be based on historical and current scientific knowledge, and be adequately reported to enhance further investigations.
- 5? Understanding that results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

Physical Science Strand (PS): Students develop an understanding of the characteristics and interrelationships of matter and energy in the physical world

Benchmark A: Measurement and Symbolic Representation

- 1? Manipulating and analyzing quantitative data using the SI system.
- 2? Understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles.

Benchmark B: Atomic Structure

- 1? Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
- 2? Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).
- 3? Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.

Benchmark C: The Structure and Properties of Matter

- 1? Distinguishing among elements, compounds, and/or mixtures.
- 2? Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
- 3? Understanding that physical properties of substances reflect the nature of interactions among its particles.

4? Separating mixtures based upon the physical properties of their components.

5? Understanding that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds.

6? Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.

7? Using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases.

Benchmark D: Chemical Reactions

- 1? Observing and describing changes in matter and citing evidence of chemical change.
- 2? Comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators.
- 3? Writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.).
- 4? Analyzing the factors that affect the rate and equilibrium of a chemical reaction.
- 5? Applying the law of conservation of matter to chemical reactions.
- 6? Comparing and contrasting the energy changes that accompany changes in matter.
- 7? Identifying important chemical reactions that occur in living systems, the home, industry, and the environment.

Benchmark E: Forces and Motion

- 1? Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
- 2? Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.
- 3? Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
- 4? Illustrating how frame of reference affects our ability to judge motion.

Benchmark F: Energy

- 1? Describing and representing relationships among energy, work, power, and efficiency.
- 2? Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

Benchmark G: Interactions of Energy and Matter

- 1? Giving examples of the transport of energy through wave action.
- 2? Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.
- 3? Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
- 4? Explaining the possible hazards of exposure to various forms and amounts of energy.

Benchmark H: Science and Technology

- 1? Developing an awareness and appreciation for the continuing progress in technology as it affects the quality of individual lives as well as of society in order to become better informed citizens and consumers.
- 2? Becoming computer literate and proficient as it applies to the computer's capability to acquire data (with sensors), interpret data (by graphing), and as a research tool (library and Internet).

Life Science Strand (LS): Students become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

Benchmark A: The Cell

- 1? Observing cells, identifying organelles, relating structure to function, and differentiating among cell types.
- 2? Demonstrating a knowledge of cellular transport.
- 3? Investigating cell differentiation and describing stages of embryological development in representative organisms.

Benchmark B: The Molecular Basis of Heredity

- 1? Explaining the relationship among chromosomes, DNA, genes, RNA, and proteins.
- 2? Comparing and contrasting mitosis and meiosis.
- 3? Describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression.
- 4? Exploring advances in biotechnology and identifying possible positive and negative effects.

Benchmark C: Biological Evolution

- 1? Exploring experimental evidence that supports the theory of the origin of life.
- 2? Recognizing the evidence for evolution.
- 3? Discussing the patterns, mechanisms, and rate of evolution.
- 4? Classifying organisms.
- 5? Distinguishing among the kingdoms.
- 6? Comparing and contrasting life cycles of organisms.
- 7? Comparing viruses to cells.

Benchmark D: Interdependence of Organisms

- 1? Illustrating the biogeochemical cycles and explaining their importance.
- 2? Describing trophic levels and energy flows.
- 3? Investigating population dynamics.
- 4? Exploring how humans have impacted ecosystems and the need for societies to plan for the future.

Benchmark E: Matter, Energy, and Organization of Living Systems

- 1? Comparing and contrasting photosynthesis and cellular respiration, emphasizing their relationships.
- 2? Recognizing the importance of the ATP cycle in energy usage within the cell.
- 3? Differentiating among levels of biological organization.

Benchmark F: Systems and the Behavior of Organisms

- 1? Identifying the structure and functions of organ systems.
- 2? Identifying mechanisms involved in homeostasis.
- 3? Recognizing that behavior is the response of an organism to internal changes and/or external stimuli.
- 4? Recognizing that behavior patterns have adaptive value.

Benchmark G: Personal and Community Health

- 1? Relating fitness and health to longevity.
- 2? Contrasting how organisms cause disease.
- 3? Explaining the role of the immune system in fighting disease.
- 4? Exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure.
- 5? Researching technology used in prevention, diagnosis, and treatment of diseases/disorders.

Earth and Space Science (ESS)

Benchmark A: Energy in the Earth System

1? Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.

2? Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.

3? Explaining fission and fusion in relation to the Earth's internal and external heat sources.

4? Explaining how decay of radioactive isotopes and the gravitational energy from the Earth's original formation generates the Earth's internal heat.

5? Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

6? Describing the energy transfer from the sun to the Earth and its atmosphere as it relates to the development of weather and climate patterns.

7? Modeling the transfer of the Earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates.

Benchmark B: Geochemical Cycles

1? Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.

2? Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

Benchmark C: The Origin and Evolution of the Earth System

1? Explaining the formation of the solar system from a nebular cloud of dust and gas.

2? Estimating the age of the Earth by using dating techniques.

3? Communicating the geologic development of Louisiana.

4? Examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere.

5? Explaining that natural processes and changes in the Earth system may take place in a matter of seconds or develop over billions of years.

Benchmark D: The Origin and Evolution of the Universe

1? Identifying scientific evidence that supports the latest theory of the age and origin of the universe.

2? Describing the organization of the known universe.

3? Comparing and contrasting the sun with other stars.

4? Identifying the elements found in the sun and other stars by investigating the spectra.

5? Describing the role of hydrogen in the formation of all the natural elements.

6? Demonstrating the laws of motion for orbiting bodies.

7? Describe the impact of technology on the study of the Earth, the solar system, and the universe.

Science and the Environment Strand (SE): In learning environmental science, students develop an appreciation of the natural environment, learn the value of environmental quality, and acquire a sense of stewardship through involvement in community action. As consumers and citizens, they are able to recognize how personal, professional, and political actions affect the natural world.

Benchmark A: Ecological Systems and Interactions

1? Demonstrating an understanding of the functions of Earth's major ecological systems.

2? Demonstrating an understanding of the functions and values of Earth's major ecological systems.

3? Describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans).

4? Understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery.

5? Describing the dynamic interactions between divisions of the biosphere.

6? Describing and explaining the Earth's biochemical and geochemical cycles and their relationship to ecosystem stability.

7? Comparing and contrasting the dynamic interaction with the biosphere.

8? Analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments.

9? Demonstrating an understanding of influencing factors of biodiversity.

10—Explaining that all species represent a vital link in a complex web of interaction.

11—Understanding how pollutants can affect living systems.

Benchmark B: Resources and Resource Management

1? Comparing and contrasting the various types of renewable and nonrenewable resources and explaining the relationships between these resources and populations.

2? Explaining how natural resources affect humans and how humans affect natural resources.

3? Recognizing that people of the world consume disproportionate amounts of the Earth's resources, a factor of both population size and inequitable geographic or economic distribution of resources.

4? Demonstrating an understanding that resource management issues and environmental problems may arise when resource use is motivated by short-term goals instead of long-term consequences.

5? Comparing the benefits and the costs of various resource management methods.

6? Analyzing how management of resources requires that they be viewed from a global, as well as a local, perspective.

7? Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's future as well as present needs.

Benchmark C: Environmental Awareness and Protection

1? Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.

2? Evaluating the relationships between quality of life and environmental quality.

3? Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.

4? Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.

5? Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

Benchmark D: Personal Choices and Responsible Actions

1? Demonstrating an understanding of the effects of personal choices and actions on the natural environment.

2? Describing how a healthy environment depends upon responsible human actions.

3? Analyzing how people are capable of reducing and reversing their negative impact on the environment through thinking, planning, educating, collaborating, and taking action.

4? Demonstrating that the most important factor in prevention and control of pollution is education and the resulting change in values, attitudes, and behavior patterns.

5? Explaining how responsible environmental decision making involves scientific and sociological research, consideration of value systems, investigation and evaluation of alternative, and long-term global perspectives.

6? Demonstrating a knowledge that environmental issues should be an international concern.

7? Recognizing that philosophies, objectives, and practices of various types of resource management are sometimes incompatible, often necessitating compromises and tradeoffs.

8? Recognizing that the development of accountability toward the environment is essential for the continued health of the planet.

9? Developing an awareness of personal responsibility as stewards of the local and global environment.

E. Social Studies

Geography Strand: Physical and Cultural Systems (G): Students develop a spatial understanding of the Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

Benchmark A: The World in Spatial Terms

1? Using geographic representations, tools, and technologies to explain, analyze and solve geographic problems.

2? Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

Benchmark B: Places and Regions

1? Determining how social, cultural, and economic processes shape the features of places.

2? Analyzing the ways in which physical and human characteristics of places and regions have affected historic events.

3? Analyzing the different ways in which physical and human regions are structured and interconnected.

4? Explaining and evaluating the importance of places and regions to cultural identity.

Benchmark C: Physical and Human Systems

1? Analyzing the ways in which Earth's dynamic and interactive physical process affect different regions of the world.

2? Determining the economic, political, and social factors that contribute to human migration and settlement and evaluating their impact on physical and human systems.

3? Analyzing trend in world population numbers, patterns, and predicting their consequences.

4? Analyzing the characteristics, distribution, and interrelationships of the world's cultures.

5? Describing and evaluating spatial distribution of economic systems and how they affect regions.

6? Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth.

Benchmark D: Environment and Society

1? Evaluating the ways in which technology has expanded the human capability to modify the physical environment.

2? Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.

3? Analyzing the relationship between natural resources and the exploration, colonization, and settlement of different regions of the world.

4? Evaluating policies and programs related to the use of natural resources.

5? Developing plans to solve local and regional geographic problems related to contemporary issues.

Civics Strand: Citizenship and Government (C): Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

Benchmark A: Structure and Purposes of Government

1? Analyzing the necessity and purposes of politics and government.

2? Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each.

3? Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system.

4? Explaining the organization and functions of local, state, and national governments and evaluating their relationships.

5? Evaluating the role and importance of law in the American political system.

6? Examining the major responsibilities of the national government for domestic and foreign policy and explaining how government is financed through taxation.

7? Explain how government is financed through taxation.

Benchmark B: Foundations of the American Political System

1? Analyzing ideas and origins of American constitutional government and evaluating how this has helped to shape American society.

2? Explaining constitutional and democratic beliefs in American society and applying them to the analysis of issues of conflicting beliefs and principles.

3? Analyzing the nature of American political and social conflict.

4? Evaluating issues related to the differences between American ideals and the realities of American social and political life.

5? Evaluating the roles of political parties, campaigns, and elections in American politics.

6? Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics.

Benchmark C: International Relationships

1? Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States.

2? Analyzing the major foreign policy positions of the United States and evaluating their consequences.

3? Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments on the United States.

Benchmark D: Roles of the Citizen

1? Evaluating and defending positions on issues regarding the personal, political, and economic rights of citizens.

2? Evaluating and defending positions regarding the personal and civic responsibilities of citizens in American constitutional democracy.

3? Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy.

4? Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy.

Economics Strand: Interdependence and Decision Making (E): Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

Benchmark A: Fundamental Economic Concepts

1? Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity costs that result.

2? Analyzing the roles that production, distribution, and consumption play in economic decisions.

3? Applying the skills and knowledge necessary in making decisions about career options.

4? Comparing and evaluating basic economic systems.

5? Explaining the basic features of market structures and exchanges.

6? Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

7? Analyzing the roles of money and banking in an economic system.

8? Applying economic concepts to understand and evaluate historical and contemporary issues.

Benchmark B: Individuals, Households, Businesses, and Governments

1? Identifying factors that cause changes in supply and demand.

2? Analyzing how supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.

3? Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy.

4? Analyzing the causes and consequences of worldwide economic interdependence.

5? Evaluating the effects of domestic policies on international trade.

6? Analyzing Louisiana's role in the world economy.

Benchmark C: The Economy as a Whole

1? Explaining the meanings of economic indicators such as Gross Domestic Product, per capita GDP, real GDP, CPI, and unemployment rate.

2? Explaining how interest rates, investments, and inflation/deflation impact the economy.

3? Analyzing unemployment and income distribution in a market economy.

4? Explaining the basic concepts of United States fiscal policy and monetary policy and describing their effects on the economy.

History Strand: Time, Continuity, and Change (H): Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

Benchmark A: Historical Thinking Skills

1? Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.

2? Explaining and analyzing events, ideas, and issues within a historical context.

3? Interpreting and evaluating the historical evidence presented in primary and secondary source.s

4? Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.

5? Conducting research in efforts to analyze historical questions and issues.

6? Analyzing cause/effect relationships.

Benchmark B: United States History

1? Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas.

2? Summarizing the process by which the United States was colonized and later became an independent nation.

3? Analyzing the development of the American constitutional system.

4? Tracing territorial expansion and reform movements in the United States.

5? Analyzing the origins, major events, and effects of the Civil War and Reconstruction.

6? Analyzing the development of industrialization and examining its impact on American society.

7? Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted.

8? Evaluating the significance of the Progressive Movement.

9? Analyzing the rise of the labor and agrarian movements.

10–Explaining the changing role of the United States in world affairs through World War I.

11–Analyzing the causes, developments, and effects of the Great Depression and the New Deal.

12–Analyzing the origins, events, and results of World War II.

13–Examining and summarizing key developments in foreign and domestic policies during the Cold War era.

14–Analyzing the economic, political, social, and cultural transformation of the United States since World War II.

15–Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.

16–Analyzing developments and issues in contemporary American society.

17–Discussing and demonstrating an understanding of recent developments in foreign and domestic policies.

18–Discussing and demonstrating an understanding of recent developments in foreign and domestic policies.

Benchmark C: World History

1? Analyzing the development of early human communities and civilizations.

2? Making generalizations about the cultural legacies of both the ancient river and the classical civilizations.

3? Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions.

4? Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas.

5? Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa.

6? Analyzing the impact of transoceanic linking of all major regions of the world.

7? Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions.

8? Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally.

9? Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americas.

10–Analyzing the impact that political revolutions and new ideologies had on societies around the world.

11–Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies.

12–Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination.

13–Analyzing the causes and international consequences of World War I, World War II, and other 20th century conflicts.

14–Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II.

15–Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends.

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2730 (December 2003).

§517. Implementing the Standards Through FHA/HERO

Note: Throughout this document, the integration of FHA/HERO is denoted below the standard to which it is related.

A. Future Homemakers of America (FHA/HERO) is the national student organization that serves and supports family and consumer sciences education. At the heart of FHA/HERO is involvement in projects and activities that students plan, carry out and evaluate themselves. These projects create ideal opportunities for students to both develop and apply family and consumer sciences skills while demonstrating mastery of the standards. FHA/HERO projects' "end products," portfolios, project reports, skills demonstrations and more, offer relevant, authentic means to assess student learning. Through their FHA/HERO involvement, students sort out thoughts, analyze situations, set goals, interact with others, apply classroom knowledge and become leaders in today's and tomorrow's families, careers and communities. FHA/HERO members encounter situations through which they:

1. apply skills in family and consumer sciences, academics and communication;
2. accept responsibility;
3. experience leadership;
4. learn to plan, implement and evaluate individual and group action;

5. build relationships;
6. develop appreciation for diversity;
7. analyze and solve problems;
8. adapt to change;
9. explore careers;
10. establish positive career-related attitudes and habits.

B. FHA/HERO is an integral part of the family and consumer sciences education program. In the local school, chapter projects and activities stem from and enhance family and consumer sciences programs of study. FHA/HERO chapters give students expanded opportunities for knowledge application, leadership training, community involvement and personal growth. Many of these experiences occur during class time, while others may occur out of class.

C. FHA/HERO National Programs. Future Homemakers of America offers a variety of national programs to guide and motivate students as they develop projects related to the family and consumer sciences national standards.

D. FHA/HERO Program Support Resources. Future Homemakers of America offers materials to support all of its national programs, as well as handbooks, guides, activity sheets, audiovisuals, brochures, *The Adviser* newsletter, *Teen Times* magazine, and more. A complete list of resources created to support students and teachers in their FHA/HERO involvement is available in the annual *FHA/HERO Publications Catalog*. A free catalog is available on request from the Future Homemakers of America's national office.

E. Contact Information. For more information about how an FHA/HERO chapter can help implement and assess the family and consumer sciences standards, contact the FHA/HERO State Adviser or the Future Homemakers of America's national office at:

National FHA/HERO
 1910 Association Drive
 Reston, VA 20191-1584
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 Homepage: www.fhahero.org
 Fax-on-Demand: 1-800-NFO-TOGO

AUTHORITY NOTE: Promulgated in accordance with R.S.6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2736 (December 2003).

Weegie Peabody
 Executive Director

0312#036

RULE

Board of Elementary and Secondary Education

Bulletin 111? The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.Chapters 1-43)

Editor's Note: Bulletin 111, *The Louisiana School, District, and State Accountability System* replaces the "Policy for Louisiana's Public Education Accountability System" previously contained in Bulletin 741, *The Louisiana*

Handbook for School Administrators. See Notice of Intent repealing the "Policy for Louisiana's Public Education Accountability System" from Bulletin 741, *The Louisiana Handbook for School Administrators*, located in this issue of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted Bulletin 111, *The Louisiana School, District, and State Accountability System*. Bulletin 111 will be printed in codified format as Part LXXXIII of the *Louisiana Administrative Code*. Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an evolving system with different components. Bulletin 111 replaces the "Policy for Louisiana's Public Education Accountability System" previously contained in Bulletin 741, *The Louisiana Handbook for School Administrators*, adjusting existing policy and adding new components to comply with federal guidance.

Title 28

EDUCATION

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

Chapter 1. General Provisions

§101. School Accountability

A. Every school shall participate in a school accountability system based on student achievement as approved by the Louisiana State Board of Elementary and Secondary Education (refer to R.S. 17:10.1).

B. Under *No Child Left Behind* (NCLB) the Elementary and Secondary Education Act of 2001, a state's definition of Adequate Yearly Progress (AYP) must apply the same high standards of academic achievement to all public elementary and secondary school students in the state and result in continuous and substantial academic improvement for all students. Schools shall be judged on AYP through both the school performance score component and the subgroup component of the Louisiana School Accountability System.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, IR 29:2737 (December 2003).

Chapter 3. School Performance Score Component

§301. School Performance Score Goal

A. A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0.0 to 120.0 and beyond, with a score of 120.0 indicating a school has reached Louisiana's 2014 goal.

B. The school performance score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

K-12 Indicators and Weighting	
CRT (60% K-12)	Grades 4, 8, 10, 11
NRT (30% K-12)	Grades 3, 5, 6, 7, 9
Attendance (10% K-6; 5% 7-12)	Grades K-12
Dropout Rate (5% 7-12)	Grades 7-12

C. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is "0."

D. Each school shall receive their school performance scores under one site code regardless of their grade structures.

E. Beginning in 2003, for schools that are currently in CAII or have an interim SPS of less than 45, the LDE shall release preliminary school performance scores and school improvement status at least two weeks prior to the 2003-04 school year. Beginning in 2004, preliminary accountability results issued each summer shall include both preliminary school performance scores and subgroup component analyses for those schools on the academic watch list, or in school improvement 2 or higher, or who have failed the subgroup component the prior year. Final accountability results shall be issued during the fall semester of each year.

1. In the fall of 2003, schools shall receive two SPSs.

a. The 2003 Growth SPS shall consist of 2002 and 2003 CRT and NRT data (excluding LAA and LAA-B data), and 2000-01 and 2001-02 attendance and/or dropout data.

i. Growth labels, rewards status, and school improvement status for the SPS component shall be determined by the Growth SPS.

b. The 2003 Baseline SPS shall consist of 2002 and 2003 CRT and NRT data (including LAA and LAA-B student data) and 2000-01 and 2001-02 attendance and/or dropout data.

i. Performance labels shall be determined by the Baseline SPS, except as provided for in §301.F.

2. Beginning in fall of 2004, schools shall receive two SPSs.

a. A Growth SPS, which shall consist of the CRT, NRT, and LAA data from the prior school year and the attendance and/or dropout data from the school year two years prior (example: fall 2004 Growth SPS will include spring 2004 CRT, NRT and LAA data and 2002-2003 attendance and/or dropout data).

i. The Growth SPS shall be used to determine growth labels, rewards status and school improvement status for the SPS component.

b. A Baseline SPS, which shall consist of the two prior school years' CRT, NRT, and LAA data and attendance and/or dropout data from two years' prior to the most recent assessment results (example: fall 2004 Baseline SPS will include spring 2003 and 2004 CRT, NRT, and LAA data and 2001-02 and 2002-03 attendance and/or dropout data).

i. The Baseline SPS shall be used to determine performance labels and academically unacceptable schools.

F. For 2003 only, schools with a Growth SPS below 45.0 shall have a one-year SPS computed based on 2003 CRT and NRT data and 2001-02 attendance and dropout data only. The higher of the two (Growth SPS vs. one-year SPS) shall be used to determine school improvement status and performance label.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003).

§303. Calculating the SPS Component

A. Formula for Calculating an SPS [K-6]			
All intermediate results and the final result shall be rounded to the nearest tenth.			
The SPS for a K-6 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10%)] = 67.1			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
			SPS = 67.1

B. Formula for Calculating an SPS [K-8]			
The SPS for a K-8 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(71.2 * 60%) + (76.1 * 30%) + (87.7 * 5%) + (90.4 * 5%)] = 74.4			
Indicator	Index Value	Weight	Indicator Score
CRT	71.2	60%	42.7
NRT	76.1	30%	22.8
Attendance	87.7	5%	4.4
Dropout	90.4	5%	4.5
			SPS = 74.4

C. Formula for Calculating an SPS for 9-12 and Combination Schools.			
Combination schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade.			
The SPS for a 9-12 school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:			
SPS = (.60 * CRT Adjusted Achievement Index) + (.30 * NRT Adjusted Achievement Index) + (.05 * Dropout Index) + (.05 * Attendance Index)			
D. All intermediate results and the final result shall be rounded to the nearest tenth.			
The following is an example of how this calculation shall be made: [(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0.			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
			SPS = 69.0

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2738 (December 2003).

§305. Calculating the CRT Index

A. A school's CRT index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments times four (number of subjects). For the CRT index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced =	200 points
Mastery (Exceeding the Standard) =	150 points
Basic (Meeting the Standard) =	100 points
Approaching Basic (Approaching the Standard) =	50 points
Unsatisfactory =	0 points

B. A student not taking the test and not exempted will be assigned a zero CRT index.

C. A student taking the Louisiana Alternate Assessment shall be included in the CRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2738 (December 2003).

§307. Incentive Points

A. Students repeating the 4th or 8th grade must retake all parts of the LEAP 21 exam.

B. If, during spring testing, a repeating 4th grade student or Option I 8th grade student receives a score of approaching basic (approaching the standard) or above on a LEAP 21 test of mathematics, English language arts, science or social studies for which he/she received a score of unsatisfactory the previous spring, the retaining school shall receive 50 incentive points per subject in its accountability index. A student may earn a maximum of 200 incentive points for his/her school. (No incentive points will be awarded for passing parts of tests in the summer school of the year they first failed in spring testing.)

C. Option II 8th grade students (students passing one part of the LEAP 21 that have been placed on a high school campus) must retake the part of the LEAP 21 exam they failed.

1. If, during spring testing, an Option II 8th grade student receives a score of approaching basic or above on the LEAP 21 test for which he/she received a score of unsatisfactory the previous spring, the high school in which the Option II 8th grader is enrolled, shall earn 50 incentive points in its 9th grade NRT index.

D. Students repeating the GEE 21 ELA, math, science, and/or social studies tests shall not earn incentive points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2739 (December 2003).

§309. Formula for Calculating a CRT Index for a School [K-8]

A. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas and summing those products.

B. Add to the sum any incentive points and divide by the product of the total number of students eligible to be tested times the number of content area tests.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2739 (December 2003).

§311. Calculating the CRT Index [9-12]

A. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas tested and summing those products.

B. Divide the sum by the total number of students eligible to be tested times the number of content area tests to get the raw achievement index for the grade.

C. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and for all the previous grades (see formulas below). This operation means that the grade 10 CRT index shall be multiplied by the grade 9 and grade 10 non-dropout rates plus 0.07, and the grade 11 CRT index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates plus 0.07. This operation shall yield the adjusted achievement index.

D.1. The formula for calculating the CRT adjusted achievement index for a high school is:

$$\text{CRT Adjusted Achievement Index (Gr 10)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07)$$

$$\text{CRT Adjusted Achievement Index (Gr 11)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07) * (1 - \text{DO Gr 11} + .07)$$

2. Scores for students repeating the GEE 21 ELA, math, science, and/or social studies tests, shall not be included in SPS calculations.

Example 1 – Grade 9:

Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is:

$$(5/50) = .100.$$

The number of points earned on the NRT is 5000.

The raw achievement index is:

$$5000/45 = 111.1.$$

The adjusted achievement index is:

$$111.1 * (1 - .100 + .07) = 107.8.$$

Example 2 – Grade 10:

Another 5 students dropout before October of grade 10. The grade 10 dropout rate is:

$$5/45 = .111.$$

The 40 students remaining in the class earn 10,000 points on the two CRT tests. The raw achievement index is:

$$10,000/(40 * 2) = 125.0.$$

The adjusted achievement index is:

$$125.0 * (1 - .100 + .07) * (1 - .111 + .07) = 116.3.$$

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2739 (December 2003).

§313. Formula for Calculating a CRT Index for a Combination School

A. Calculate the CRT index score for the K-8 portion of the school as instructed above in the K-8 directions.

B. Calculate the CRT adjusted index score for the 9-12 portion of the school as instructed above in the 9-12 directions.

C. Multiply the K-8 CRT index by the number of students eligible to take the K-8 CRT times four (number of subjects). Multiply the 9-12 CRT adjusted index by the number of tests 9-12 students were eligible to take.

D. Sum the two products in C above.

E. Divide the sum in D above by the sum of tests all students (K-12) were eligible to take.

$$[(\text{K-8 CRT index} * \text{number students eligible to test} * 4) + (\text{9-12 CRT adjusted index} * \text{number of tests students were eligible to take})] / \text{Total of tests K-12 students were eligible to take.}$$

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2739 (December 2003).

Chapter 5. Calculating the NRT Index

§501. Formulas Relating Student Standard Scores to NRT Index (K-8)

A. Formulas for calculating the NRT index for 2002 Iowa Standard Scores (SS).

Index 3rd Grade = $(4.167 * SS) - 679.2$
Index 5th Grade = $(2.941 * SS) - 544.1$
Index 6th Grade = $(2.500 * SS) - 477.5$
Index 7th Grade = $(2.174 * SS) - 428.3$
Index 9th Grade = $(2.083 * SS) - 447.8$

B. Formulas for calculating the NRT Index Iowa Standard Scores (SS) beginning in 2003.

Index 3rd Grade = $(4.181 * SS) - 693.6$
Index 5th Grade = $(3.101 * SS) - 599.3$
Index 6th Grade = $(2.462 * SS) - 470.4$
Index 7th Grade = $(2.153 * SS) - 427.1$
Index 9th Grade = $(2.060 * SS) - 430.5$

C. A student not taking the test and not exempted will be assigned a zero NRT index.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§503. Calculating the NRT Index [K-8]

A. For the NRT index, composite standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT index score.

B. Calculate the index for each student, using the grade-appropriate formula relating the standard score to NRT index.

C. Sum the total number of NRT index points for all grades in the school.

D. Divide the sum of the NRT index points by the total number of students eligible to be tested.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§505. Calculating the NRT Index [9-12]

A. For the NRT index, composite standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT index score.

B. Calculate the index for each student, using the grade-appropriate formula relating the standard score to NRT index.

C. Sum the total number of NRT index points earned by all students. For the NRT, there shall be one score for each student? the NRT index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.

D. Divide the sum by the total number of students eligible to be tested.

E. Multiply the raw index by the 9th grade dropout adjustment (see formula below). This operation means that the grade 9 NRT index shall be multiplied by the grade 9 non-dropout rate (in decimal form) plus 0.07.

NOTE: $\text{NRT Adjusted Achievement Index} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07)$

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§507. Formula for Calculating a NRT Index for a Combination School

A. Calculate the NRT index score for the K-8 portion of the school as instructed above in the K-8 directions.

B. Calculate the NRT adjusted index score for the 9-12 portion of the school as instructed above in the 9-12 directions.

C. Multiply the K-8 NRT index by the number of students eligible to take the K-8 NRT. Multiply the 9-12 NRT adjusted index by the number of 9-12 students eligible to take the NRT. Sum the two products. Divide the sum by the number of K-12 students eligible to take the NRT.

D. $\text{NRT adjusted achievement index} = [(\text{K-8 NRT index} * \text{number students eligible to test}) + (\text{9-12 NRT adjusted index} * \text{number of students eligible to test})] / \text{total K-12 students eligible to test}$.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§509. Inclusion of Alternate Assessment Results in the NRT

A. A student taking the Louisiana Alternate Assessment shall be included in the NRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§511. Attendance Index Calculations

A. An attendance index score shall be calculated for each school. The attendance index shall be calculated using the prior two years' average attendance rates as compared to the state's goal.

B. $\text{K-8 school attendance index formula} = (16.667 * \text{ATT}) - 1483.4$

C. $\text{9-12 school attendance index formula} = (16.667 * \text{ATT}) - 1450.0$

D. $\text{Combination school attendance index formula} = [(\text{K-8 attendance index} * \text{number of K-8 students}) + (\text{9-12 attendance index} * \text{number of 9-12 students})] / \text{total K-12 enrollment}$.

NOTE: Where ATT is the attendance percentage, the index formula uses the definition of attendance established by the Louisiana Department of Education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003).

§513. Dropout Index Calculations

A. A dropout index score for each school shall be calculated. The index shall be calculated using the prior two years' average dropout rates as compared to the state's goal.

B. The national definition of *dropout* shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

C. Non-Dropout Rate (NDO) = 100 - Dropout Rate (DO)

NOTE: DO is expressed as a percentage.

D. 7-8 dropout index formula = (25 * NDO) - 2300.0

E. 9-12 dropout index formula = 187.5 - (12.5 X dropout rate)

F. Combination dropout index formula = [(7-8 dropout index * number of 7-8 students) + (9-12 dropout index * number of 9-12 students)] / total 7-12 enrollment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003).

§515. State Assessments and Accountability

A. With the exception of grade 8 Option II students and high school students who have not passed all parts of the GEE 21, Louisiana students in grades 3 through 11 will participate in only one of the following state assessments on an annual basis:

1. LEAP 21 or;
2. GEE 21 or;
3. Iowa On-Level or;
4. LEAP Alternate Assessment (LAA).

B. Grade 8 Option II students shall take both the 9th grade NRT and the LEAP 21 test they failed the previous spring.

C. All LEP students shall take the English Language Development Assessment (ELDA) annually as well as the appropriate state assessment for their enrolled grade.

D. GEE 21 scores for repeaters (in any subject) shall not be included in high school SPS calculations.

E. High school students who meet LEAP alternate assessment participation criteria shall take the LAA at the 9th, 10th, and 11th grade beginning in spring 2004.

F. Scores shall not be included in school performance score calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003).

§517. Inclusion of Students

A. As a general rule for the school performance score calculations, the test score of every eligible student who is eligible to take a test at a given school shall be included in that school's performance score regardless of how long that student has been enrolled in that school. A school that has at least 10 percent of its students transferring from outside the district and enrolled in the school after October 1 may request that the Louisiana Department of Education calculate what its SPS would have been if such out-of-district enrollees had not been included. If there is at least a 2.5

point difference between the two school performance scores, then the school may appeal any negative accountability action taken by the state? e.g., movement into school improvement, application of growth labels.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003).

§519. Inclusion of Schools

A. A minimum number of testing units shall be required for school accountability calculations. For the 2003 Growth SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 20 students with complete composite scores on the statewide norm-referenced test.

B. Beginning in 2004, for the Baseline SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 20 students with complete composite scores on the statewide norm-referenced test.

C. Beginning in 2004, for the Growth SPS, all schools shall have a minimum number of:

1. 40 testing units to include one or all four parts of the statewide criterion-referenced test; and
2. 10 students with complete composite scores on the statewide norm-referenced test.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003).

§521. Pairing/Sharing of Schools with Insufficient Test Data

A. In order to receive an SPS, a given school must have at least one grade level of CRT testing and at least one grade level of NRT testing. A school that does not meet this requirement must be either "paired or shared" with another school in the district as described below. For the purpose of the Louisiana Accountability System, such a school shall be defined as a "non-standard school."

B. A school with a grade-level configuration such that it participates in neither the CRT nor the NRT (e.g., a K, K-1, K-2 school) must be "paired" with another school that has at least one grade level of CRT testing and one grade level of NRT testing. This "pairing" means that a single SPS shall be calculated for both schools by averaging both schools' attendance and/or dropout data and using the test score data derived from the school that has at least two grade levels of testing.

C. A school with a grade-level configuration in which students participate in either CRT or NRT testing, but not both (e.g., a K3, 5-6 school) must "share" with another school that has at least one grade level of the type of testing missing. Both schools shall "share" the missing grade level of test data. This shared test data must come from the grade level closest to the last grade level in the non-standard school. The non-standard school's SPS shall be calculated by using the school's own attendance, dropout, and testing data AND the test scores for just one grade from the other school.

D. A district must identify the school where each of its non-standard schools shall be either "paired or shared". The "paired or shared" school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the "paired or shared" school must be the school into which the largest percentage of students "feed." If two schools receive an identical percentage of students from a non-standard school, the district shall select the "paired or shared" school.

E. If a school is not paired/shared at the beginning of the school year for the baseline SPS, it shall not be paired/shared at the end of the school year for the growth SPS.

F. Requirements for the number of test units shall be the sum of the test units in a one-year period (not the number of test units in one year). A school's sharing/pairing status at the beginning of the school year for the baseline SPS shall be its status at the end of the school year for the growth SPS.

G. If a school has too few test units to be a "stand-alone" school, it may request to be considered stand-alone.

1. It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.

2. The request shall be in writing to the LDE from the LEA superintendent.

3. The school forfeits any right to appeal its growth status based on minimum test unit counts.

H. Once the identification of "paired or shared" schools has been made, this decision is binding for 10 years. An appeal to the SBESE may be made to change this decision prior to the end of 10 years, when redistricting or other grade configuration and/or membership changes occur.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003).

§523. Growth Targets

A. Each school shall receive a growth target that represents the amount of progress it must make every year to reach the state's 2014 goal of 120.0.

B. In establishing each school's growth target, the Baseline SPS inclusive of students with disabilities shall be used.

C. The percentage of LEP students and students with disabilities varies significantly across schools, and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of such students eligible to participate in the CRT, NRT, or LAA in each school will be a factor in determining the growth target for each school.

$$\text{PropRE} * (120 - \text{SPS})/N + [\text{PropSE} * (120 - \text{SPS})/(2N)] + [\text{PropLEP} * (120 - \text{SPS})/(2N)]$$
 or 2.0 points, whichever is greater.

PropRE (Proportion Regular Education Students) = the number of students not in special education or LEP divided by the total number of students in the school eligible to participate in the NRT, CRT, or LAA.

PropSE (Proportion Special Education Students) = the number of special education students in the school who are eligible to participate in the NRT, CRT, or LAA and who are not defined as LEP students divided by the total number of students in the school who are eligible to participate in the NRT, CRT, or LAA. For purposes of this calculation, gifted, talented, and 504 students shall not be counted as special

education students, but shall be included in the calculations as regular education students

Prop LEP (Proportion Limited English Proficient Students) = the number of limited English proficient students in the school participating in the NRT, CRT, or LAA divided by the total number of students in the school who are eligible to participate in the NRT, CRT, or LAA.

SPS = Baseline School Performance Score.

N = Number of remaining years until 2014.

D. The maximum amount of growth that a school shall be required to attain is 10.0 points. The minimum amount of growth required shall be 2.0 points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2742 (December 2003).

§525. Growth Targets for New or Reconfigured Schools and Reconstituted Schools

A. Once a baseline for the new or reconfigured school has been established, a growth target shall be set based on the number of years remaining until 2014, with a maximum growth target of 10.0 points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2742 (December 2003).

Chapter 7. Subgroup Component

§701. Subgroup Component Indicators

A. Each school shall be evaluated on the subgroup component. A school shall pass the subgroup component provided that each subgroup of students meets the subgroup component, and the school, as a whole, meets the criteria for status or improvement on the additional academic indicator.

1. Passing the subgroup component:

a. Participation rate test? 95 percent of the students within the subgroup participated in the standards-based assessments; and

b. Annual Measurable Objective status test (AMO status test)? the subgroup percent proficient score is at/or above the annual measurable objective in ELA and mathematics; or

c. Safe Harbor Test?

i. the percentage of non-proficient students within the subgroup reduced by at least 10 percent of the previous year's value; and

ii. the subgroup improved or met the criterion on the additional academic indicator (attendance rate for elementary and middle schools and non-dropout rate for high schools).

2. 2002-03 will be year one of judging schools based on the subgroup component.

3. 2003-04 will be year two of judging schools based on the subgroup component.

4. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole school check, attendance and dropout data from two years prior will be compared to data from three years prior.

5. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

- a. AMO status test;
- b. reduction of non-proficient students (safe harbor test); and
- c. status attendance/non-dropout rate analyses.

6. Louisiana will not apply a confidence interval to improvement analyses for attendance/non-dropout rate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2742 (December 2003).

§703. Inclusion of Students in the Subgroup Component

A. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

1. Enrolled for the Full Academic Year (FAY):

- a. at school level? enrolled at the school on Oct. 1 and the date of testing;
- b. at district level? enrolled in the district on Oct. 1 and the date of testing;
- c. at state level? enrolled in a public LEA in the state on Oct. 1 and the date of testing.

2. First Administration of the Test:

- a. only the first test administration will be used for the subgroup status and growth tests;
- b. excludes summer school results and repeaters.

B. For analyses involving the additional academic indicator, all students in each subgroup in the school shall be included.

C. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each school shall be evaluated separately on ELA and mathematics.

1. In calculating the subgroup component for a school, the alternate academic achievement standards for students participating in LAA will be used, provided that the percentage of LAA students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. If the district fails to request the waiver or if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA, the students that exceed the cap or that are ineligible shall be assigned a zero on the assessment and considered nonproficient.

2. Students participating in LAA shall be included in the special education subgroup.

3. LEP students shall participate in the statewide assessments.

a. Scores of all LEP students shall be included in the subgroup component calculations.

D. Subgroups shall consist of:

- 1. at least 10 students in order to be evaluated for the subgroup component;
- 2. at least 40 students in order to be evaluated for the 95 percent participation rate.

E. Subgroups shall pass the participation rate test and either the AMO status test; or the safe harbor test in order to be considered as having passed the subgroup /component.

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

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

§705. AMO

A. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English/language arts and mathematics tests for 4th, 8th, and 10th grades.

1. Proficient = a score of basic, mastery or advanced.

B. As required in NCLB, the AMOs have been established based on the baseline percent proficient score (proficient = CRT level of basic, mastery, or advanced) in English-language arts and mathematics in the 20th percentile school, using the 2002 CRT test scores in ELA and mathematics for grades 4, 8, and 10.

C. The AMOs for ELA and math are as follows.

School Year	ELA	Mathematics
2001-2002		
2002-2003	36.9 %	30.1 %
2003-2004	36.9 %	30.1 %
2004-2005	47.4 %	41.8 %
2005-2006	47.4 %	41.8 %
2006-2007	47.4 %	41.8 %
2007-2008	57.9 %	53.5 %
2008-2009	57.9 %	53.5 %
2009-2010	57.9 %	53.5 %
2010-2011	68.4 %	65.2 %
2011-2012	78.9 %	76.9 %
2012-2013	89.4 %	88.6 %
2013-2014	100.0 %	100.0 %

D. A 99 percent confidence interval shall be used when evaluating whether subgroups within a school have attained the Annual Measurable Objective (AMO).

E. A confidence interval is a statistic that creates a range of scores. Subgroups with a 95 percent participation rate that attain a percent proficient score within or above the confidence interval range for the AMO shall be considered as having passed the subgroup component. Confidence interval ranges are affected by subgroup size. Smaller subgroups will have a wider range and larger subgroups will have a narrower range.

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

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

§707. Safe Harbor

A. Subgroups that do not pass the AMO status test by attaining a percent proficient score within or above the confidence interval range shall be evaluated for safe harbor.

B. Safe harbor is attained if:

- 1. the subgroup makes a 10 percent reduction in its non-proficiency rate from the previous year:
 - a. a 99 percent confidence interval is applied to this reduction check; and
- 2. the subgroup:

a. achieves a 90 percent attendance rate (for schools without a 12th grade) or 90 percent non-dropout rate (for schools with a 12th grade). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check); or

b. makes at least 0.1 percent improvement in attendance rate (for schools without a 12th grade) or non-dropout rate (for schools with a 12th grade) from the previous year.

C. For schools with a 12th grade, the non-dropout rate shall be evaluated for students in grade 9 and above.

D. Subgroups passing the participation rate test and achieving safe harbor shall be considered as having passed the subgroup component.

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

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

§709. Failing the Subgroup Component

A. A school shall fail the subgroup component if ANY subgroup within that school fails the participation rate test, the ELA or math AMO status test or the safe harbor test.

B. A school in which all subgroups have passed the subgroup component must also have the school pass the additional academic indicator:

1. achieved a 90 percent attendance rate (for schools without a 12th grade)/90 percent non-dropout rate (for schools with a 12th grade). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check.); or

2. made at least 0.1 percent improvement in attendance rate (for schools without a 12th grade) or non-dropout rate (for schools with a 12th grade) from the previous year.

NOTE: If a school in which all subgroups have passed the subgroup component does not pass the additional academic indicator, it shall not pass the subgroup component.

C. Any school that has failed the subgroup component for any reason for two consecutive years will enter school improvement 2 (e.g. special education in mathematics in year one and economically disadvantaged in ELA in year two. The school has failed the subgroup component for two consecutive years and therefore, must enter SI 2).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003).

Chapter 9. Growth Labels

§901. Growth Labels for 2003

Exemplary Academic Growth	A school exceeding its growth target by five points or more.
Recognized Academic Growth	A school exceeding or meeting its growth target by fewer than five points.
Minimal Academic Growth	A school improving (at least 0.1 points) but not meeting its growth target.
No Growth	A school with a change in SPS of 0 to -5.0 points.
School In Decline	A school with a declining SPS (more than -5.0 points).

NOTE: In 2004, a school shall receive a label based on its success in attaining its growth target and its subgroup performance.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003).

§903. Growth Labels beginning in 2004

Exemplary Academic Growth	A school that makes its growth target, all subgroups grow at least two points, and the school is not in SI.
Recognized Academic Growth	A school that makes its growth target but any subgroup does not grow at least two points and/or the school is in SI.
Minimal Academic Growth	A school improving (at least 0.1 points) but not meeting its growth target.
No Growth	A school with a change in SPS of 0 to -2.5 points.
School In Decline	A school with a declining SPS (more than -2.5 points).

NOTE: For subgroup performance to be evaluated, there must be a minimum of 10 students in the subgroup.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003).

Chapter 11. Performance Labels

§1101. Performance Labels

A. School Performance Score

Performance Label	School Performance Score
Academically Unacceptable	Below 45.0
Academic Warning?	45.0 – 59.9
?	60.0 – 79.9
? ?	80.0 – 99.9
? ? ?	100.0 – 119.9
? ? ? ?	120.0 – 139.9
? ? ? ? ?	140.0 and above

*Effective with the 2005 performance labels, the definition of an academically unacceptable school shall be any school with an SPS below 60.0. The academic warning label will be used only with the 2003 and 2004 school performance scores.

B. When a school's performance label is greater than or equal to four stars (SPS>120.0), it shall not be identified for school improvement (formerly Corrective Actions) based on its SPS and shall not receive "negative" growth labels (minimal academic growth, no growth, school in decline).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003).

Chapter 13. Rewards/Recognition

§1301. Reward Eligibility

A. For 2003, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it meets or surpasses its growth target and when it shows growth in the performance of students who are classified as high poverty and special education students (at least 0.1

points). Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of exemplary or recognized academic growth.

B. School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salaries or stipends.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003).

§1303. Correction of Data

A. Districts and the Louisiana Department of Education (LDE) shall evaluate any instance of irregular or unusual data in the following respects for determining the allocation of rewards:

1. if irregularities are resolved and the data is corrected before rewards are provided, the rewards will be based upon the corrected data;

2. if the irregularities are resolved and the data is corrected after rewards have been distributed, the school shall be required to repay any rewards for which it was ineligible as determined by the audit findings or the State Board of Elementary and Secondary Education (SBESE)

will subtract the reward amount from future funds to be awarded to the district or from some other source.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003).

Chapter 15. School Improvement (formerly called Corrective Actions)

§1501. Levels of School Improvement

A. There shall be six levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. There shall be six levels of school improvement. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 1, SI 2, and SI 3).

SI Level	Remedy	Academically Unacceptable Schools		Subgroup Component AYP Analysis		SPS Component Failing to meet Growth Target
		Title I	Non-Title I	Title I	Non-Title I	All Schools
SI 1	District Assistance Team Revised School Improvement Plan					X X
SI 2	School Choice Scholastic Audit (Year 1)	X X	X X	X X	- X	- X
SI 3	Supplemental Educational Services (SES) Schools are eligible for DE Scholastic Audit (Year 2)	X X X	- X X	X - X	- - X	- - X
SI 4	Add from Corrective Action List Develop reconstitution plan (eligible for DE Partnership)	X X	X X	X -	X -	X -
SI 5	Implement reconstitution plan or lose school approval Develop Alternate Governance plan Develop Reconstitution "light" plan	X - -	X - -	- X -	- - X	- - X
SI 6	Alternate Governance Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.	X -	X -	X -	- X	- X

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003).

§1503. Entry into School Improvement

A. Schools shall enter school improvement by three methods of identification.

1. Any academically unacceptable school enters school improvement 2.

a. In 2003, schools with a growth and one-year SPS below 45.0 shall be considered academically unacceptable.

b. Beginning in 2005, schools with a Baseline SPS below 60.0 shall be considered academically unacceptable.

2. Any school that fails the subgroup component for two consecutive years is in school improvement 2.

3. Schools that fail the SPS component, based on their SPS and required growth.

a. A 1 star or academic warning school that does not make its growth target enters school improvement 1.

b. A 2 star school that does not make at least 0.1 point of growth enters school improvement 1.

c. A 3 star school that has an SPS decline of more than 2.5 points after 2003 enters school improvement 1.

B. Schools that enter school improvement 2 through method 1 or 2 above shall be considered as not meeting adequate yearly progress for the purposes of NCLB.

C. For 2003, entry into and movement through school improvement for failure to meet required growth (growth target), will be determined based on the rules in effect at the time of spring 2003 student assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003).

§1505. Exit from School Improvement

A. A school shall exit school improvement if:

1. it is no longer academically unacceptable and has met its growth target;

2. it is in school improvement for failure to pass the subgroup component, and it passes the subgroup component for two consecutive years and is not academically unacceptable;

3. it is in school improvement for failure to meet its required growth on the SPS component, and it meets its required growth for one year and is not academically unacceptable and has not failed the subgroup component for two consecutive years.

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

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

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

§1701. School Improvement 1 Requirements

A. A school shall enter SI 1 if:

1. it is not academically unacceptable; and

2. it has met the requirements of the subgroup component;

3. but:

a. it has an SPS below 79.9 and did not meet its growth target; or

b. it has an SPS of 80.0-99.9 and did not grow at least 0.1 points; or

c. beginning in 2004, it has an SPS of 100.0-119.9 and has an SPS decline of more than 2.5 points.

B. A school shall remain in SI 1 if:

1. it is not academically unacceptable;

2. it has met the requirements of the subgroup component;

3. it has not made its growth target; and

4. its new growth target is less than eight points.

NOTE: If the school meets the conditions of A, B, and C, but has a growth target > 8 points, it moves to SI 2.

C. School Improvement 1 Requirements

1. A Revised or New School Improvement Plan. All Louisiana schools were required to have a school improvement plan in place by May of 1998. Those schools placed in School Improvement 1 (SI 1) shall be required to review and either revise or completely rewrite their plan, with the assistance of a district assistance team, according to the guidelines established by the Louisiana Department of Education, and submit it to the Division of School Standards, Accountability, and Assistance.

2. Assurance Pages. Each school in school improvement 1 shall be required to provide assurances that it worked with a District Assistance Team (DAT) to develop its school improvement plan and that the plan has the essential components required in the Louisiana School Improvement Plan Template. Signatures of the DAT team members shall also be required.

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

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

§1703. School Improvement 2 Requirements (SI 2)

A. A school shall enter SI 2 if:

1. it is academically unacceptable; or

2. it fails the subgroup component for two consecutive years; or

3. it fails the SPS component and has a growth target of eight points or more.

B. A school shall remain in SI 2 if:

1. it is academically unacceptable, made its growth target; or

2. it passes the subgroup component for the current year, but not two consecutive years; or

3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

C. All schools in SI 2 must adhere to the requirements of schools in SI 1; however, districts with school improvement 2 schools must submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan*.

D. Parents of students in Academically Unacceptable Schools (AUS) and Title I schools in SI 2 for failing the subgroup component shall have the right to transfer their child to a higher performing public school as stated in Chapter 25.

1. If a school's initial identification for school improvement 2 occurs with the summer preliminary accountability release, the school shall offer choice prior to the first day of school of that school year.

2. If a school's initial identification for school improvement 2 occurs with the fall final accountability release, the school shall offer choice in January of that school year.

3. If a school is wrongly identified through the summer preliminary accountability release, the school shall continue in their choice obligations for the remainder of that school year, but shall be released from these obligations for the following school year.

E. With the assistance of the district assistance team, the school shall revise its school improvement plan to address the findings of the scholastic audit that will be conducted by an external team assigned by the LDE.

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

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

§1704. School Improvement 3 Requirements

A. A school enters SI 3 if:

1. it was first in SI 2; and

2. it is an AUS and did not make its GT; or

3. it fails the subgroup component for the current year; or

4. it fails the SPS component and has a GT > 8 points.

B. A school stays in SI 3 if:

1. it is an AUS and it made its GT; or

2. it passes the subgroup component for the current year, but not two consecutive years; or

3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

C. All schools in SI 3 must adhere to the requirements of schools in SI 2.

D. A district may choose to enter into a partnership with the LDE to provide a distinguished educator for any academically unacceptable school in SI 3, as available. The district, with the approval of the local school board, shall delineate in writing, as part of this partnership, how the expertise and recommendations of the DE will be utilized and implemented to facilitate school improvement in the assigned school. The DE shall work in an advisory capacity to help the school improve student performance. The DE shall make a public report to the school board of recommendations for school improvement. Districts shall then publicly respond to these recommendations.

E. All Title I schools in SI 3, who have failed the subgroup component, shall offer supplemental educational services to their students as stated in Chapter 27.

1. If a school's initial identification for school improvement 3 occurs with the summer preliminary accountability release, the school shall offer state approved supplemental educational services prior to the first day of school of that school year.

2. If a school's initial identification for school improvement 3 occurs with the fall final accountability release, the school shall offer state approved supplemental educational services in January of that school year.

3. If a school is wrongly identified through the summer preliminary accountability release, the school shall continue in their state approved supplemental educational service obligations for the remainder of the semester, but shall be released from these obligations for the following semester.

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

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

§1705. School Improvement 4 Requirements

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1. it was first in SI 3; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or

4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 4 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it fails the SPS component, has a GT > 8 points, but makes its growth target.

D. All schools in SI 4, with the local school board's approval, shall select from the following corrective actions list:

1. replace school staff;
2. implement new curriculum;
3. decrease management authority;
4. contract an outside expert;
5. extend the school year or school day;
6. restructure.

E. For AUS schools, the DE may continue to serve the school in an advisory capacity.

F. A district must develop a reconstitution plan for all AUS schools at the beginning of the first school year in this level and submit the plan to the SBESE for approval by December of that school year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003).

§1706. School Improvement 5 Requirements

A. All schools in SI 5 must adhere to the requirements of schools in SI 4.

B. A school enters SI 5 if:

1. it was first in SI 4; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or
4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 5 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it fails the SPS component, has at GT > 8 points, but makes its growth target.

D. All schools that entered SI 5 due to their AUS status must implement the reconstitution plans approved by SBESE while the school was in SI 4.

E. All Title I schools that enter SI 5 due to subgroup component failure must develop alternate governance plans.

F. All non-Title I schools that enter SI 5 due to subgroup component failure must develop "Reconstitution Light" Plans.

G. All schools that enter SI 5 due to failure to meet the SPS component must develop "Reconstitution Light" Plans.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003).

§1707. School Improvement 6 Requirements

A. All schools in SI 6 must adhere to the requirements of schools in SI 5.

B. A school enters SI 6 if:

1. it was first in SI 5; and
2. it is an AUS and did not make its GT; or
3. it fails the subgroup component for the current year; or
4. it fails the SPS component and has a GT > 8 points.

C. A school remains in SI 6 if:

1. it is an AUS and it made its GT; or
2. it passes the subgroup component for the current year, but not two consecutive years; or
3. it failed the SPS component, has at GT > 8 points, but makes its growth target.

D. All Title I schools that enter SI 6 due to subgroup component failure must implement their alternate governance plans. All schools that enter SI 6 due to their AUS status must operate under alternate governance. Alternate governance shall be defined as:

1. reopen as a "public charter;"

2. replace all or most of school staff (may include principal);
3. enter into a contract with an entity with demonstrated record of effectiveness to operate the public school;
4. turn operation over to the state;
5. any other major restructuring of a school's governance arrangements that makes fundamental reform.

E. All non-Title I schools that enter SI 6 due to subgroup component failure and all non-AUS schools that enter SI 6 due to failure to pass the SPS component must implement their approved "Reconstitution Light" Plans.

F. The SBESE shall monitor the implementation of reconstitution plans.

NOTE: If the SBESE does not approve a reconstitution plan, and a given school does not meet the required minimum growth, the school shall lose its state approval and all state funds.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003).

Chapter 19. School Improvement? District and State Level Tasks

§1901. District Level Tasks

A. For all schools in school improvement, districts shall submit to SBESE by February 1st of each year a status report regarding the implementation of all school improvement requirements and activities in each of their school improvement schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003).

§1903. District Support at Each Level

A. District's Responsibilities for School(s) in School Improvement 1.

1. Assign a district assistance team that will utilize the state's diagnostic process or another process meeting state approval to identify needs and work with the district assistance team to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

- a. opportunities for significant parent and community involvement;
- b. public hearings; and
- c. at least two-thirds teacher approval.

B. District's Responsibilities for School(s) in School Improvement 2:

1. continue to adhere to the requirements of SI 1 schools;
2. develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;
3. assist with the scholastic audit, if necessary; and
4. offer school choice, if required, within proper timeframe.

C. District's Responsibilities for School(s) in School Improvement 3:

1. continue to adhere to the requirements of SI 2 schools;

2. may choose to enter into partnership with the LDE to provide a distinguished educator for academically unacceptable schools;

3. offer supplemental educational services for Title I schools; and

4. submit to SBESE a written response by the local school board to the DE's annual report no later than 45 days subsequent to receiving the DE's report. Failure to respond to these recommendations will result in the school being ineligible to receive the assistance of the DE.

D. District's Responsibilities for Schools in School Improvement 4:

1. continue to adhere to the requirements of SI 3;
2. may enter into a partnership with the LDE to provide a DE to work with academically unacceptable schools to design the school's reconstitution plan;
3. assist schools with an additional requirement from corrective action list:
 - a. replace school staff;
 - b. implement new curriculum;
 - c. decrease management authority;
 - d. contract an outside expert;
 - e. extend the school year or school day;
 - f. restructure.

E. District's Responsibilities to Schools in School Improvement 5:

1. continue to adhere to the requirements of SI 4, where applicable;

2. if a district has any academically unacceptable schools and those schools' reconstitution plans are approved by the SBESE, the district shall implement the approved reconstitution plans and utilize the recalculated data from the end of the previous year, school performance scores and growth targets, provided by the state. If the reconstitution plans are not approved, the schools lose state funding;

3. assist all other SI 5 schools in designing their alternate governance (Title I schools) or "Reconstitution Light" Plans (non-Title I schools) for submission to SBESE for approval.

F. District's Responsibilities to Schools in School Improvement 6:

1. assist all schools with implementation of their alternate governance or "Reconstitution Light" Plans.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003).

Chapter 21. State-Level School Improvement Tasks

§2101. State Support at Each Level

A. State's Responsibilities to Districts with Schools in School Improvement 1:

1. provide diagnostic process for schools;
2. provide training for district assistance teams;
3. work to secure new funding and/or redirect existing resources to help schools implement their improvement plans;
4. provide additional school improvement funds, as available.

B. State's Responsibilities to Districts with Schools in School Improvement 2:

1. ensure that external scholastic audit is completed;
2. work to secure new funding and/or redirect existing resources to help implement their improvement plans;
3. approve school choice plans;
4. provide additional school improvement funds, as available.

C. State's Responsibilities to Districts with Schools in School Improvement 3:

1. for academically unacceptable schools, the SBESE shall offer districts the opportunity to enter into a partnership for the assistance of a distinguished educator, as available;
2. provide an approved list of supplemental educational service providers;
3. provide additional school improvement funds, as available.

D. State's Responsibilities to Districts with Schools in School Improvement 4:

1. may provide a distinguished educator to academically unacceptable schools to assist in the development and design of the reconstitution plan, as available; and
2. provide additional school improvement funds, as available.

E. State's Responsibilities to Districts with Schools in School Improvement 5:

1. SBESE shall approve or disapprove reconstitution plans for academically unacceptable schools. If the SBESE approves the reconstitution plan, a partnership may be offered to the district for the assistance of a DE to support and assist with monitoring the implementation of the reconstitution plan for schools that fail to make adequate growth;
2. SBESE shall approve or disapprove alternate governance plans for Title I schools;
3. SBESE shall approve or disapprove "Reconstitution Light" plans for schools failing to meet their growth targets;
4. provide additional school improvement funds, as available;
5. monitor the implementation of all SI 5 academically unacceptable schools' reconstitution plans.

F. State's Responsibilities to Districts with Schools in School Improvement 6:

1. monitor the implementation of all reconstitution/alternate governance plans;
2. provide additional school improvement funds, as available.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003).

Chapter 23. Reconstitution/Alternate Governance Plans

§2301. Schools Requiring Reconstitution/Alternate Governance Plans

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan? AUS schools in SI 4 .

2. "Reconstitution Light" Plan? non-Title I schools in SI 5 for failing the subgroup component and schools in SI 5 for failing the SPS component (making their required growth).

3. Alternate Governance Plan? Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

4. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, and how/why these proposed changes shall lead to improved student performance.

5. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance, to improve student academic achievement in the school to be able to make adequate yearly progress.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003).

Chapter 25. School Choice

§2501. Schools Requiring Choice

A. An LEA must develop a school choice policy for schools that are:

1. academically unacceptable;
2. on the academic watch list;
3. Title I schools that:
 - a. have failed the subgroup component for one year;
 - b. in school improvement 2 or higher for subgroup component failure.

B. The SBESE shall approve or disapprove an LEA's School Choice Policy.

C. Beginning with the 2003-04 school year, an LEA shall notify parents of their school choice options not later than the first day of the school year for the schools that must offer choice.

1. An LEA must offer more than one choice to eligible students, if more than one school is eligible to receive students.

2. The LEA must take into account the parents' preferences among the choices offered, or the LEA may allow parents to make the final decision.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003).

§2503. Student Eligibility

A. An LEA must offer choice to all students in an eligible Title I school until the school is no longer identified for improvement, i.e., the school passes the subgroup component for two consecutive years and/or is no longer academically unacceptable EXCEPT:

1. if an eligible student exercises the option to transfer to another public school, an LEA must permit the student to remain in that school until he or she has completed the highest grade in the school. However, the LEA is no longer obligated to provide transportation for the student after the end of the school year in which the student's school of origin is no longer identified for school improvement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003).

§2505. Transfer Options

A. An LEA may consider health and safety factors in determining the transfer options. Should the LEA have concerns for health and safety factors, the LEA will need to find ways to provide choice consistent with their obligations to provide a healthy and safe learning environment.

B. An LEA that is subject to a desegregation plan is not exempt from offering students the option to transfer.

1. An LEA should first determine whether it is able to offer choice within the parameters of its desegregation plan.

2. If it is not able to do so, or if the desegregation plan forbids the LEA from offering the choice option, the LEA needs to seek court approval for amendments to the plan that permit a transfer option for students.

C. Students may not transfer to any school that is academically unacceptable or that has been identified for school improvement 2 or higher for subgroup component failure.

D. If there are no schools to which students can transfer, parents must be notified that their child's school is identified for school improvement and that the child is eligible for choice. The notification will further indicate that no choice options are currently available.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

§2507. School Choice Policy

A. If the SBESE approves an LEA's School Choice Policy, the LEA must submit an annual status report to the SBESE regarding the implementation and progress of the district's school choice policy.

B. If the SBESE fails to approve an LEA's School Choice Plan, the implicated schools will lose their school approval status.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

Chapter 27. Supplemental Educational Services

§2701. Definition of Supplemental Services

A. Supplemental educational services are defined by the United States Department of Education as "tutoring or extra help provided to students in reading, language arts/English, and math. This extra help can be provided before or after school, on weekends, or in the summer." The No Child Left Behind Act states that these services must be of high quality, research-based, and specifically designed to increase the academic achievement of eligible children.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

§2703. Supplemental Service Providers

A. Providers that meet the criteria specified by the Louisiana State Department of Education shall be included

on the state-approved supplemental educational services provider list. The State Department of Education will post the list, beginning January 1, 2003. The provider list will be updated on a periodic basis, at least annually, as new providers are identified and meet the qualifications.

B. To be included on the approved list of supplemental educational service providers, applicants shall have met the following criteria:

1. be able to define a process for assessment that results in an individual instructional plan tied to content standards;

2. have a demonstrated level of effectiveness in increasing student academic achievement;

3. be capable of providing supplemental educational services that are of high-quality, research-based, and consistent with the instructional program of the local educational agency and the state's academic content standards;

4. provide instruction that is secular, neutral, and non-ideological;

5. be financially sound, use qualified staff, and possess the organizational capacity necessary to deliver the contracted services; and

6. meet all applicable federal, state, and local health, safety, and civil rights laws;

7. have a program accessible to students attending Title I schools in school improvement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

§2705. State Educational Agency Role and Responsibilities

A. The SDE shall identify providers, maintain a list of providers, and monitor services. Specifically, the SDE shall:

1. consult with parents, teachers, LEAs, and interested members of the public to identify a large number of supplemental educational service providers;

2. provide and disseminate broadly an annual notice to potential providers the process for obtaining approval to be a provider of supplemental educational services;

3. develop and apply objective criteria for approving potential providers;

4. maintain an updated list of approved providers;

5. develop, implement, and publicly report on techniques for monitoring the quality and effectiveness of services offered by approved supplemental services providers.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

§2707. Local Educational Agency Role and Responsibilities

A. Local educational agencies (LEAs) with schools in their second year of school improvement shall:

1. identify eligible students;

2. notify parents about the availability of services and the process for obtaining supplemental educational services for their child(ren) in an understandable and uniform format. This includes:

a. the identity of approved providers whose services are in the school district or within a reasonable proximity of the district;

3. help parents choose a provider, if such help is requested;

4. determine which students should receive services when all students cannot be served;

5. enter into an agreement with a provider selected by parents of an eligible student;

6. assist the State Educational Agency (SEA) in identifying potential providers within the LEA;

7. provide information to the SEA so that it can monitor the quality and effectiveness of the services offered by providers;

8. offer the opportunity for supplemental services until the school in question is no longer identified for school improvement according to the requirements of the No Child Left Behind Act. Further, the Board of Elementary and Secondary Education, for the purposes of supplemental educational services, defines "school year" as inclusive of the summer months and strongly encourages LEAs to offer services to eligible students during this timeframe;

9. protect the privacy rights of students who receive supplemental educational services.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2750 (December 2003).

§2709. Optional LEA Responsibilities

A. Assist the State Department of Education in identifying potential providers within the school district.

B. Determine which are the lowest-achieving students who can receive services, if the demand for services exceeds the available supply.

C. Provide information to the State Department of Education to assist with monitoring the quality and effectiveness of the services offered.

D. Provide transportation to eligible students. Although the Board of Elementary and Secondary Education is aware that LEAs are not required by law to provide such services, it strongly encourages LEAs to provide transportation to eligible students in order to maximize their access and opportunities to improve academic achievement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003).

§2711. SES Agreement between Provider and LEA

A. Each local education agency shall enter into an agreement with the SES provider selected by parents of eligible students. The agreements shall contain, at minimum:

1. a description of the research-based program to be utilized;

2. the location and amount of time of instructional service;

3. specific achievement goals;

4. a timetable for improving achievement;

5. methods for measuring and reporting progress;

6. how parents/guardians and teachers will be regularly informed of progress;

7. procedures the lea will use to pay the provider;

8. confidentiality of student identities;

9. conditions for termination of the agreement, including attendance regulations and requirements.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003).

Chapter 29. Progress Report

§2901. State Annual Reporting

A. The SBESE shall report annually on the state's progress in reaching Louisiana's 2014 goal. The Louisiana Department of Education shall publish individual school reports to provide information on every school's performance. The school reports shall include the following information? school performance scores, percent proficient scores, and school progress in reaching growth targets. Beginning fall 2002, the LDE shall report subgroup performance to schools for the following subgroups? African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003).

Chapter 31. Data Correction and Appeals/Waivers Procedure

§3101. Appeals/Waivers Process

A. An appeal/waiver procedure has been authorized by the State Board of Elementary and Secondary Education (SBESE) and shall be used to address unforeseen and aberrant factors impacting schools in Louisiana.

B. Districts may address data errors that were not addressed during the data dean-up period by submitting a data correction request letter (signed by the district superintendent) by August 1st of each year. The LDE shall review data correction requests and make decisions regarding the requests by September 1st. The LDE shall notify LEAs of its decision and/or actions regarding the request by October 1st. All data corrections approved by LDE shall be completed for the fall final accountability results release each fall.

C. The LDE shall review appeal/waiver requests and make recommendations to the SBESE within 60 days, beginning the last day of the appeals/waiver filing period. Within this interval, the LDE shall notify LEAs of its recommendations and allow them to respond in writing. The LDE's recommendations and LEA responses will be forwarded to SBESE for final disposition.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003).

§3103. Definitions

Appeal? a request for the calculation or recalculation of the School Performance Score (SPS), growth target, and/or subgroup component scores.

Waiver? a temporary "withholding" of accountability decisions for no more than one accountability year. Waivers

shall be denied to aggrieved parties attempting to subvert the intent of provisions outlined in the state statute.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003).

§3105. General Guidelines? Parent/School-Level Requests

A. Parents or individual schools seeking an appeal or waiver on issues relating to Louisiana's District and School Accountability System shall file their requests, regardless of the type, through the superintendent, or appointed representative as authorized by the local governing board of education.

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

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

§3107. General Guidelines? Local Board of Education-Level Requests

A. The Superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 30 calendar days after the official release of the final accountability results in the fall of each year.

B. Data corrections shall be grounds for an appeal or waiver request when (a) evidence attributes data errors to the LDE and/or those contractors used for the student assessment program, and/or (b) evidence attributes errors to the LEA and corrections result in a change in rewards or school improvement status. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in *Bulletin 111*, shall not be considered by the LDE.

C. Supporting documentation for appeal/waiver requests should clearly outline those data that are erroneous. Further, computations by the local boards of education should provide evidence that the school's SPS and/or subgroup component results are significantly affected by the data in question and that corrections impact rewards, or school improvement status. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

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

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

§3109. Criteria for Appeal

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to option status for alternative schools or pair/share status during the LDE accountability status verification process prior to the calculation of the school performance scores and subgroup component scores. Fall appeal recalculations shall be made using the information provided to the LDE in the following instances:

1. the student population in a school significantly increases by greater than or equal to 10 percent as a result of students transferring into the school from outside of the district;

2. an alternative school changes its option status by meeting the eligibility requirements;

3. a school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

B. The LDE shall provide a report to the SBESE of all configuration, pair/share, or alternative option status changes.

C. If an LEA does not submit changes to school status to the LDE during the accountability status verification process, the LEA may petition the SBESE during the Appeals timeframe, after the SPS release. LEAs may petition the SBESE in instances not addressed by policy or in instances when the policy is unclear.

D. An LEA shall inform the LDE during the accountability status verification process of schools within the district that have been closed. An appeal shall be filed by the LEA in order to receive monetary rewards for any eligible closed school.

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

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

§3111. Criteria for Waiver

A. The recalculated SPS baseline of a school changes by 2.5 points (+/-2.5) as a result of a significant change of 10 percent or more in the student population because of students transferring into the school from outside of the district.

B. Factors beyond the reasonable control of the local governing board of education and also beyond the reasonable control of the school exist.

C. A school lacks the statistically significant number of testing units for the CRT and NRT necessary to calculate the SPS and has no systematic "feeding" pattern into another school by which data could be "shared" because the school is

1. a lab school;
2. a Type 1, 2, or 3 charter school;
3. operated by the Department of Corrections; or
4. beyond the sovereign borders of Louisiana;
5. an SSD #1 or #2 school;
6. a SBESE school;
7. non-diploma bound school.

D. The student body of the school (Pre-K through K-2) comprised of primarily Pre-K and K students (greater than 50 percent of the total student membership) and has no systematic "feeding" pattern into another school or schools by which it could be "paired."

1. *Feeding pattern?* the plan used by local governing boards of education to transfer students from one school to another for educational services as a result of pupil progression into higher grades.

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

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

Chapter 33. New Schools and/or Significantly Reconfigured Schools

§3301. Inclusion of New Schools

A. For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be issued in order to allow a school to avoid an accountability decision or prevent a school from entering the accountability system. Before a new school is created, the local education agency must work with the Louisiana Department of Education to explore ways the new school can be included in the accountability system.

B. When two or more schools are created from an existing school (e.g., grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the existing site code stays with the school that contributed most to the original SPS (as determined by the LDE), and the "new" school shall receive a new site code.

C. New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's will have the option of using (a) the district average for schools in the same category as the new school or (b) data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

§3303. Reconfigured Schools

A. A reconfigured school shall retain its rewards and/or school improvement status if 50 percent or more of the students remain at the school.

B. A reconfigured school shall transfer its rewards and/or school improvement status if more than 50 percent of the students transfer to another school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

Chapter 35. Inclusion of Alternative Education Students

§3501. Option Choices

A. Each superintendent, in conjunction with the alternative school director, shall choose from one of two options for including alternative education students in the Louisiana Accountability System for the system's alternative education schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

§3503. Option I

A. The score for every alternative education student at a given alternative school shall be returned to ("sent back") and included in the home-based school's accountability calculations for both the SPS and subgroup components. The alternative school itself shall receive a "diagnostic" SPS, not to be used for rewards or corrective actions, if a statistically valid number of students were enrolled in the school at the time of testing.

B. Students included in the GED/Skills Option program will be included in school accountability. They will be required to take the 9th grade Iowa Test or participate in LEAP Alternate Assessment (LAA) while enrolled. All programs will be considered Option I for alternative education purposes, and student data will be sent back to the sending high schools for attendance, dropout, and Iowa Test scores for the purposes of the accountability system.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

§3505. Option II

A. The score for every alternative education student shall remain at the alternative school. The alternative school shall be given its own accountability results, including an SPS and growth target, and subgroup performance data which makes the alternative school eligible for rewards and school improvement.

B. In order to be eligible for Option II, an alternative school shall meet all of the following requirements:

1. the alternative school must have its own site code and operate as a school;

2. the alternative school must have a required minimum number of students in the tested grade levels; the definition of required minimum is stated in §519; and at least 50 percent of the total school population must have been enrolled in the school for the entire school year, October 1 - May 1.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

§3507. Option Considerations

A. Once an option is selected for an alternative school, it shall remain in that option for at least 10 years. An appeal to the SBESE may be made to change the option status prior to the end of 10 years if a school's purpose and/or student eligibility changes.

B. All students pursuing a regular high school diploma, working in curricula developed from Louisiana Content Standards, shall be included in the state-testing program, with those scores included in an SPS, and scores from CRT assessments included in the subgroup component.

1. Information on these students (e.g., number receiving a GED) shall be reported in the school's report card as a sub-report.

C. An alternative school in school improvement 3 or higher may request some flexibility in obtaining assistance from either a Distinguished Educator (DE) or a team designed to address the special needs of the alternative school population, as long as the total costs of the team do not exceed that for the DE. Sample team members could include the following? social workers, psychologists, educational diagnosticians, and counselors, etc.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003).

Chapter 37. Inclusion of Lab Schools and Charter Schools

§3701. Special Consideration of Lab and Charter Schools

A. Such schools shall be included in the Louisiana Accountability System following the same rules that apply to traditional and/or alternative schools. The only exceptions are lab schools and Type 1, 2, and 3 charter schools that are independent schools and cannot be paired or shared with another school if they do not have at least one CRT and one NRT grade level, and/or if there is no home-based district school to which a given student's scores can be returned if all three conditions for Option II cannot be met. Therefore, if they do not have the required grade levels and/or required minimum number of students, such schools cannot receive an SPS. However, if they meet the requirements for accountability under the subgroup component, these analyses will be conducted, and school improvement and rewards decisions will be based on these results. If neither the SPS or subgroup component can be applied, the state shall publish the results from pre- and post-test student achievement results, as well as other relevant accountability data, as part of that school's report card and will include the results of these students in the aggregate state accountability report.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003).

Chapter 39. Inclusion of Students with Disabilities

§3901. Assessment of Students with Disabilities

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the CRT, NRT, and LAA shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP). Only students with significant cognitive disabilities are eligible to participate in LEAP Alternate Assessment (LAA) as defined by the LEAP alternate assessment participation criteria. Beginning with the spring 2004 statewide assessment, LAA-B shall be eliminated from the Louisiana Education Assessment Program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003).

§3903. LEAP Alternate Assessment Participation Criteria

A. A student participating in LEAP alternate assessment shall progress toward a certificate of achievement.

B. To be eligible for participation in LEAP Alternate assessment, the student shall:

1. have a current multidisciplinary evaluation of the following exceptionalities:
 - a. moderate mental disability;
 - b. severe mental disability;
 - c. profound mental disability; or

d. have a current multidisciplinary evaluation of the following exceptionalities AND have an assessed level of intellectual functioning and adaptive behavior three or more standard deviations below the mean:

- i. multiple disabilities;
- ii. traumatic brain injury;
- iii. autism.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003).

§3905. Inclusion of Alternate Assessment Results

A. LAA and LAA-B test scores shall be included in the 2002-2003 Baseline SPS.

B. LAA scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking alternate assessments shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Students taking LAA-B shall receive a score of zero in the Baseline SPS and a score of non-proficient in subgroup component calculations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003).

Chapter 41. Data Collection and Data Verification

§4101. Valid Data Considerations

A. An Unusual Data Result (UDR) shall be defined as any CRT, NRT, attendance, or dropout data that exceeds a parameter or a range of parameters, which shall be determined by the LDE and approved by the SBESE. Irregular data shall be defined as any data, which appears to contradict results, which are otherwise expected; unrealistic information; or data generated as a result of defective data collection or processing.

B. A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on the CRT and NRT shall be calculated in the school's SPS. To assist a school in dealing with absent students, the Louisiana Department of Education shall provide an extended testing period for test administration. The only exception to this policy is a student who was sick during the test and re-testing periods and who has formal medical documentation for that period.

C. The districts and the LDE shall evaluate any instance of irregular or unusual data in the following respects.

D. For attendance and dropout data:

1. the LDE shall identify a statistically valid sample of all schools included in the accountability system. All schools included in this sample shall be audited;

2. additionally, the LDE shall audit all schools included in the accountability system that have an irregular or Unusual Data Result (UDR), as defined above. The LDE may have an outside team conduct the audit;

3. the findings of the audit shall be reported to the SBESE, the local district, and the local school. If the audit findings cannot be resolved, the State Superintendent of Education shall recommend to the SBESE, who shall approve the appropriate data to be used in the calculation of the school performance score.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003).

§4103. NRT and CRT Data

A. For NRT and CRT data:

1. if there is evidence of an irregular or UDR, the LEA shall be required to investigate using a process as determined by the LDE and approved by the SBESE. The LEA shall report the results of its investigation to the State Superintendent of Education;

2. if the State Superintendent of Education determines that the results of the investigation do not sufficiently explain the data, s/he shall designate a team to visit the school and conduct its own investigation;

3. if the gains are validated by the visit, the school will be designated a "pacesetter" school. If the gains cannot be validated, the State Superintendent of Education may initiate further action.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003).

§4105. Reported Irregularities

A. The LDE will determine and the SBESE shall approve a process for the public to report possible irregularities.

B. Anonymous complaints may be investigated.

C. All signed complaints shall be investigated.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003).

Chapter 43. District Accountability

§4301. Inclusion of All Districts

A. Every school district shall participate in a district accountability system based on the performance of schools as approved by the Louisiana State Board of Elementary and Secondary Education (SBESE).

B. Indicators for district accountability.

C. There shall be two statistics reported for each school district for district accountability:

1. a District Performance Score (DPS); and
2. a District Responsibility Index (DRI).

D. District Performance Score (DPS). A District Performance Score (DPS) shall be the average of School Performance Scores (SPS) of all schools in a district. The DPS shall be reported as a numeric value.

E. District Responsibility Index (DRI). A District Responsibility Index (DRI) shall be the weighted average of four indicators¹ with each indicator to be expressed as an index. A score of 100 = good and a score of 150 = excellent.

F. The DRI indicators:

1. summer school;
2. the change in SPS for all schools relative to growth targets;
3. the change in LEAP 21 first-time passing rate from one year to the next; and
4. certified teachers.

¹Indicators for school finance and graduation rate of high school students may be considered in the calculation of the district responsibility index at a later date.

Indicators and Weights	
Indicator	Weighting
1. Summer School.	30% (Part A 15% + Part B 15%)
2. The change in SPS for all schools relative to growth targets.	25%
3. The change in LEAP 21 first-time passing rate from one year to the next.	25% (Part A 12.5% + Part B 12.5%)
4. Certified Teachers.	20% (Part A 15% + Part B 5%)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003).

§4303. Indicator 1? Summer School

A. The Louisiana Department of Education shall use two statistics when calculating an index score for summer school.

1. Part A? The percentage passing summer LEAP 21 tests.

a. The Louisiana Department of Education shall calculate the percentage passing summer LEAP 21 tests by using the number of students who scored unsatisfactory in the previous spring as the denominator. The scores of first-time students shall be included (i.e., not students who are repeating the grade because of a score of unsatisfactory in the previous year). This statistic shall include grades 4 and 8 and shall be weighted by the number of students failing each test in the previous spring. English language arts (ELA) and mathematics shall be counted separately. The numerator and denominator shall be the sum of counts in grade 4 ELA and mathematics plus grade 8 ELA and mathematics. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part A to an index? $2.5 * (\text{percent passing} + 5)$. Implications of index for Part A:

- i. 35 percent passing of summer tests shall yield an index of 100;
- ii. 55 percent passing of summer tests shall yield an index of 150.

2. Part B? The change in scale scores on LEAP 21 from spring to summer for scores that are unsatisfactory in the spring.

a. The Louisiana Department of Education shall use the mean change in scale scores on LEAP 21 from the spring to the summer administration, for all scores that were unsatisfactory in the spring administration. The scores of first-time students shall be included (i.e. not students who are repeating the grade because of a score of unsatisfactory in the previous year). If a student is tested in the spring but not in the summer, the change for that student's score shall be "0." If a student is tested in the summer but not in the spring, the spring score shall be assumed to be the 10th percentile of students tested in the spring. Four averages shall be computed for each district- ELA and mathematics for both 4th and 8th grades. The district score shall be the weighted average of the four results. Students' summer school results shall be attributed to the district in which they took the summer test.

b. Formula for converting Part B to an index? $5 * (\text{average scale score gain})$. Implications of index Part B:

i. a scale score gain of 20 points shall yield an index of 100;

ii. a scale score gain of 30 points shall yield an index of 150.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003).

§4305. Indicator 2? The Change in SPS for All Schools Relative to Growth Targets

A. The Louisiana Department of Education shall compute the change in School Performance Scores (SPSs) for all schools in the district. The relative change in SPSs for all schools shall be the weighted sum of gains (weighted by the school's enrollment) divided by the weighted sum of growth targets.

B. Formula for converting to an index? $100 * (\text{the relative change in SPS})$. Implications of index:

1. all schools meeting their growth targets shall yield an index of 100;

2. all schools achieving 1.5 times their growth targets shall yield an index of 150.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2756 (December 2003).

§4307. Indicator 3? The Change in LEAP 21 First-Time Passing Rate from One Year to the Next

A. The Louisiana Department of Education shall calculate the simple average of two statistics when calculating an index score for the change in LEAP 21 first-time passing rate from one year to the next. The scores of first-time test-takers shall be used for each statistic.

B. Part A? Percent Passing

1. Formula for converting Part A to an index? $3.333 * (\text{percent passing} - 50)$.

2. Implications of index for Part A:

a. an 80 percent pass rate shall yield an index of 100;

b. a 95 percent pass rate shall yield an index of 150.

C. Part B? Improvement in Percentage Passing

1. Formula for converting Part B to an index? $25 * (\text{change in passing rate} + 2)$.

2. Implications of index for Part B:

a. a two percent increase yields an index of 100;

b. a four percent increase yields an index of 150.

3. The results of Part B shall be limited to a minimum value of "0" and a maximum of "200."

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2756 (December 2003).

§4309. Indicator 4? Certified Teachers

A. For the purpose of district accountability, the Louisiana Department of Education shall define certified teachers as those who hold an A, B, or C certificate or who have been certified in accordance with the 12-hour rule and whose certification includes 100 percent of the classes they teach. The Louisiana Department of Education shall use two statistics when calculating an index score for certified teachers.

B. Part A? The percentage of certified teachers in schools below the state average¹ The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district. If no schools in the district are scoring below the state average, Part A of this indicator shall not apply and the total weight of this indicator shall be applied to Part B.

1. Formula for converting Part A to an index? $5 * (\text{percent certified} - 70)$.

2. Implications of index for Part A:

a. 90 percent of teachers certified shall yield an index of 100;

b. 100 percent of teachers certified shall yield an index of 150.

C. Part B? The percentage of certified teachers in the district. The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district.

1. Formula for converting Part A to an index? $5 * (\text{percent certified} - 70)$.

2. Implications of index for Part A:

a. 90 percent of teachers certified shall yield an index of 100;

b. 100 percent of teachers certified shall yield an index of 150.

¹The Louisiana Department of Education calculates two state averages? a state average for K-8 schools and a state average for 9-12 and combination schools. Combination schools are schools that contain 10th and/or 11th grade and a 4th and/or 8th grade (i.e., a school with grades 7-12).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2756 (December 2003).

§4311. Performance Labels

A. A district shall not receive a label for its district performance score. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	Label
120.0 or more	Excellent
100.0 – 119.9	Very Good
80.0 – 99.9	Good
60.0 – 79.9	Poor
0.0 – 59.9	Unsatisfactory

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003).

§4313. Corrective Actions

A. The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a performance label of unsatisfactory for its DRI shall become subject to an operational audit. If a district scores unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003).

§4315. Progress Report

A. The Louisiana Department of Education shall publish a district accountability report. The report shall contain the labels for the DRI and for each of the four indicators. The report shall also contain the percent poverty, poverty ranking, and percentage of students enrolled in public education for the district.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003).

Weegie Peabody
Executive Director

0312#037

RULE

Board of Elementary and Secondary Education

Bulletin 741? Louisiana Handbook for School Administrators? High School Program of Studies (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted amendments to *Bulletin 741? Louisiana Handbook for School Administrators*, referenced in LAC

28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry standards. This action up-dates Career and Technical course offerings. In updating these courses offerings our Career and Technical program of studies will be more aligned with national standards.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

§901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269-271 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:2757 (December 2003).

Agriculture Education

§2.105.25. Agriculture Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective (1/2 Credit)	9-12	1/2
Agricultural Education Elective (1 Credit)	9-12	1
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry Based Certifications		
ABC Carpentry in Agriscience (1 Credit)	11-12	1
ABC Carpentry in Agriscience (2 Credits)	11-12	2

ABC Carpentry in Agriscience (3 Credits)	11-12	3
ABC Electricity in Agriscience (1 Credit)	11-12	1
ABC Electricity in Agriscience (2 Credits)	11-12	2
ABC Electricity in Agriscience (3 Credits)	11-12	3
ABC Pipefitting in Agriscience (1 Credit)	11-12	1
ABC Pipefitting in Agriscience (2 Credits)	11-12	2
ABC Pipefitting in Agriscience (3 Credits)	11-12	3
ABC Welding in Agriscience (1 Credit)	11-12	1
ABC Welding in Agriscience (2 Credits)	11-12	2

Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

Required prerequisites are outlined in the Agricultural Education Section of *Career and Technical Education Course Descriptions & Programs of Study*. All courses shall be taught in sequence. Level I courses are prerequisite to Level II courses. Agriscience I is prerequisite to Animal Systems, Aquaculture, Crop Systems, Equine Science, Food and Fiber, Forestry, and Agriscience-Welding Systems I. Agriscience I and Biology I are prerequisites to Biotechnology. Agriscience I and/or enrolled simultaneously in Biology I are prerequisites to Environmental Application. Agriscience I or Biology I is prerequisite to Horticulture I. Agriscience II is prerequisite to Agriscience-Construction and Precision Agriculture. Agribusiness is prerequisite to Agriscience-Entrepreneurship.

Semester courses are designed to be offered in the place of, or in addition to Agriscience III and/or IV.

Safety must be taught in all courses. Refer to *Bulletin 1674* for safety information.

Business Education

§2.105.26. Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Keyboarding 6th, 7th, and 8th	6-8	--
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I (1/2 Credit)	9-12	1/2
Business Education Elective I (1Credit)	9-12	1
Business Education Elective II (1/2 Credit)	9-12	1/2
Business Education Elective II (1Credit)	9-12	1
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Multimedia Presentations	11-12	1/2
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Math	9-12	1
Introduction to Business Computer Applications	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I (1 Credit)	10-12	1
Lodging Management I (2 Credits)	10-12	2
Lodging Management I (3 Credits)	10-12	3
Lodging Management II (1 Credit)	11-12	1
Lodging Management II (2 Credits)	11-12	2
Lodging Management II (3 Credits)	11-12	3
Principles of Business	9-12	1
Telecommunications	10-12	1/2

Web Design	10-12	1/2
Word Processing	11-12	1

Keyboarding and Keyboarding Applications or Introduction to Business Computer Applications shall be a prerequisite to Administrative Support Occupations, Business Computer Applications, Business Communications, Business English, Computer Multimedia Presentations, Telecommunications and Word Processing. Word Processing or Business Computer Applications is prerequisite to Desktop Publishing. Level I courses shall be prerequisite to Level II courses.

Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding/Keyboarding Applications or Introduction to Business Computer Applications and one of the following: ASO or Word Processing or BCA, and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

English I, II, and III are prerequisites to Business English. BCA or Word Processing is prerequisite to Computer Multimedia Presentations. A basic computer course shall be prerequisite to Telecommunications. To enroll in Web Design, the student must have completed one or more of the following: Desktop Publishing, Business Computer Applications, Computer Science, Computer Multimedia or Telecommunications.

General Cooperative Education

§2.105.27. General cooperative education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3

General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

Marketing Education

§2.105.32. Marketing education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Advertising and Sales Promotion	11-12	1
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1
Marketing Education Elective I (1/2 Credit)	9-12	1/2
Marketing Education Elective I (1Credit)	9-12	1
Marketing Education Elective II (1/2 Credit)	9-12	1/2
Marketing Education Elective II (1Credit)	9-12	1
Marketing Internship I	11-12	2
Marketing Internship II	12	2
Marketing Management	11-12	1
Marketing Research	11-12	1
Principles of Marketing I	9-12	1
Principles of Marketing II	10-12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1

Keyboarding or Introduction to Business Computer Applications or being enrolled in Keyboarding or Introduction to Business Computer Applications simultaneously is a prerequisite for Advertising and Sales Promotion, Entrepreneurship, Research Marketing and Tourism Marketing. Principles of Marketing I and II and another advanced Marketing class is a prerequisite for Marketing Management. English I and II are prerequisites for Marketing Research. Principles of Marketing or one other marketing course is a prerequisite for Cooperative Marketing Education I.

Health Occupations

§2.105.28. Health Occupations course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I	10-12	1 or 2
Allied Health Services II	11-12	1 or 2
Cooperative Health Occupations	11-12	3
Dental Assistant I	10-12	1 or 2
Dental Assistant II	11-12	2 or 3
Emergency Medical Technician? Basic	10-12	2
First Responder	9-12	1/2, 1 or 2
Health Occupations Elective	9-12	1/2 or 1
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I	11-12	1 or 2
Health Science II	12	1 or 2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations I	9-12	1
Introduction to Pharmacy Assistant	10-12	1 or 2
Medical Assistant I	10-12	1 or 2
Medical Assistant II	11-12	1 or 2
Medical Assistant III	12	1 or 2
Medical Terminology	9-12	1
Nursing Assistant I	10-12	1 or 2
Nursing Assistant II	11-12	1 or 2

Level I courses shall be prerequisite to Level II courses. Introduction to Health Careers and/or Medical Terminology shall be a recommended prerequisite to Allied Health Services I, Introduction to Emergency Medical Technology, Introduction to Pharmacy Assistant, Medical Assistance I and Nursing Assistant I.

Health Occupations Internship and Cooperative Health Occupations students shall have successfully completed a minimum of two Health Occupations courses.

Introduction to Health Careers and Biology I are recommended prerequisite to Health Science I.

Medical Assistant III shall be limited to seniors. The students shall have successfully completed Medical Assistant II.

Family and Consumer Sciences Education

§2.105.29. Family and consumer sciences education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Family and Consumer Sciences	7-8	--
Family and Consumer Sciences I	9-12	1
Family and Consumer Sciences II	10-12	1
Food Science	9-12	1
Adult Responsibilities	11-12	1/2
Child Development	10-12	1/2
Clothing and Textiles	10-12	1/2
Personal and Family Finance	10-12	1/2
Family Life Education	10-12	1/2
Housing and Interior Design	10-12	1/2
Nutrition and Food	10-12	1/2
Parenthood Education	10-12	1/2
Advanced Child Development*	10-12	1/2
Advanced Clothing and Textiles*	10-12	1/2
Advanced Nutrition and Food*	10-12	1/2
Family and Consumer Sciences Elective I	9-12	1/2
Family and Consumer Sciences Elective I	9-12	1
Family and Consumer Sciences Elective II	9-12	1/2
Family and Consumer Sciences Elective II	9-12	1

*The related beginning semester course is prerequisite to the advanced semester course.

Family and Consumer Sciences Education (FCCLA)

§2.105.30. Course offerings for family and consumer sciences-related occupations shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Clothing and Textile Occupations I	11-12	1
Clothing and Textile Occupations I	11-12	2
Clothing and Textile Occupations I	11-12	3
Clothing and Textile Occupations I	11-12	1
Clothing and Textile Occupations I	11-12	2
Clothing and Textile Occupations I	11-12	3
Early Childhood Education I	11-12	1
Early Childhood Education I	11-12	2
Early Childhood Education I	11-12	3
Early Childhood Education II	11-12	1
Early Childhood Education II	11-12	2
Early Childhood Education II	11-12	3
Family and Consumer Sciences Internship I**	11-12	2
Family and Consumer Sciences Internship II	12	2
Food Services I	10-12	1
Food Services I	10-12	2
Food Services I	10-12	3
Food Services II	10-12	1
Food Services II	10-12	2
Food Services II	10-12	3
Food Service Technician	11-12	1
Housing and Interior Design Occupations	11-12	1
Housing and Interior Design Occupations	11-12	2
Housing and Interior Design Occupations	11-12	3
ProStart I	11-12	1
ProStart I	11-12	2
ProStart I	11-12	3
ProStart II	11-12	1
ProStart II	11-12	2
ProStart II	11-12	3
Cooperative Family and Consumer Sciences Education**		3

**Family and consumer sciences cooperative education shall be limited to seniors who meet one or more of the following prerequisites: (1) one unit in a service course; (2) two specialized semester courses in the same area; or (3) one specialized semester course and the teacher-coordinator's consent. Job placement shall be in the same area of training as the prerequisite.

Technology Education

2.105.31. Technology Education course (formerly industrial arts) offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1

Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I (½ credit)	9-12	½
Technology Education Elective I (1 credit)	9-12	1
Technology Education Elective II (½ credit)	9-12	½
Technology Education Elective II (1 credit)	9-12	1
Technology Education Internship I	11-12	2
Technology Education Internship II	12	2
Welding Technology	10-12	1
Industry Based Certification Courses		
Process Technician I	11-12	1
Process Technician II	11-12	1
ABC Carpentry I TE (1 credit)	11-12	1
ABC Carpentry I TE (2 credits)	11-12	1
ABC Carpentry I TE (3 credits)	11-12	1
ABC Carpentry II TE (1 credit)	11-12	1
ABC Carpentry II TE (2 credits)	11-12	1
ABC Carpentry II TE (3 credits)	11-12	1
ABC Electrical I TE (1 credit)	11-12	1
ABC Electrical I TE (2 credits)	11-12	1
ABC Electrical I TE (3 credits)	11-12	1
ABC Electrical II TE (1 credit)	11-12	1
ABC Electrical II TE (2 credits)	11-12	1
ABC Electrical II TE (3 credits)	11-12	1
ABC Instrumentation Control Mechanic I (1 credit)	11-12	1
ABC Instrumentation Control Mechanic I (2 credits)	11-12	1
ABC Instrumentation Control Mechanic I (3 credits)	11-12	1
ABC Instrumentation Control Mechanic II (1 credit)	11-12	1
ABC Instrumentation Control Mechanic II (2 credits)	11-12	1
ABC Instrumentation Control Mechanic II (3 credits)	11-12	1
ABC Pipe Fitter I TE (1 credits)	11-12	1
ABC Pipe Fitter I TE (2 credits)	11-12	1
ABC Pipe Fitter I TE (3 credits)	11-12	1
ABC Pipe Fitter II TE (1 credit)	11-12	1
ABC Pipe Fitter II TE (2 credits)	11-12	1
ABC Pipe Fitter II TE (3 credits)	11-12	1
ABC Welding Technology I TE (1 credit)	11-12	1
ABC Welding Technology I TE (2 credits)	11-12	1
ABC Welding Technology I TE (3 credits)	11-12	1
ABC Welding Technology II TE (1 credit)	11-12	1
ABC Welding Technology II TE (2 credits)	11-12	1
ABC Welding Technology II TE (3 credits)	11-12	1

NOTE: Technology education courses must follow the sequences as outlined in the Technology Education section of the *Career and Technical Education Course Descriptions and Programs of Study*.

All courses shall be taught in sequence: Level I courses are prerequisite to Level II courses; Basic Technical Drafting is prerequisite to Architectural

Drafting; and Technology Education Internship I and II require completion of two courses in the Technology Education program of study area.

Safety must be taught in all courses. Refer to *Bulletin 1674* for safety information.

Weegie Peabody
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0312#038

RULE

Board of Elementary and Secondary Education

Bulletin 741? Louisiana Handbook for School Administrators? Policy for Louisiana's Public Education Accountability System (LAC 28:1.901)

Editor's Note: Louisiana's revised accountability policy shall now be contained in *Bulletin 111? The Louisiana School, District, and State Accountability System*, and is printed in codified format as Title 28, Part LXXXIII of the Louisiana Administrative Code. See the Notice of Intent adopting *Bulletin 111? The Louisiana School, District, and State Accountability System* located in this issue of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to *Bulletin 741? The Louisiana Handbook for School Administrators*, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The changes repeal the "Policy for Louisiana's Public Education Accountability System" from *Bulletin 741? The Louisiana Handbook for School Administrators*. Louisiana's revised accountability policy shall now be contained in *Bulletin 111? The Louisiana School, District, and State Accountability System*. Bulletin 111 shall be printed in codified format as Part LXXXIII of the Louisiana Administrative Code.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:2760 (December 2003).

**The Louisiana School and District
Accountability System**

1.007.00	District Accountability	Repealed.
1.007.01	Indicators for District Accountability	Repealed.
1.007.02	Performance Labels	Repealed.
1.007.03	Corrective Actions	Repealed.
1.007.04	Progress Report	Repealed.
2.006.00	School Accountability	Repealed.
2.006.01	Indicators for School Performance Scores	Repealed.
2.006.02	Louisiana's 10- and 20-Year Education Goals [K-8 and 9-12]	Repealed.
2.006.03	School Performance Scores	Repealed.
2.006.04	Data Collection and Data Verification	Repealed.
2.006.05	Growth Targets	Repealed.
2.006.06	Growth Labels	Repealed.
2.006.07	Performance Labels	Repealed.
2.006.08	Rewards/Recognition	Repealed.
2.006.09	Corrective Actions	Repealed.
2.006.10	Reconstitution Plan	Repealed.
2.006.11	School Choice	Repealed.
2.006.12	Progress Report	Repealed.
2.006.13	Appeals Procedures	Repealed.
2.006.14	Student Mobility	Repealed.
2.006.15	Pairing/Sharing of Schools with Insufficient Test Data	Repealed.
2.006.16	New Schools and/or Sgnificantly Reconfigured Schools	Repealed.
2.006.17	Inclusion of Alternative Education Students	Repealed.
2.006.18	Inclusion of Students with Disabilities	Repealed.
2.006.19	Inclusion of Schools with Very Low Numbers of Students	Repealed.

Weegie Peabody
Executive Director

0312#039

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of
School Personnel? All-Level (K-12) Certification Areas
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy amends the structure for undergraduate programs for all level (K-12) areas of art, dance, foreign language, health and physical education, and music. It also provides for all-level programs through the three new alternate routes: Practitioner Teacher Program, Master' Program, Non-Master'/Certification-only Program. The policy continues the conversion to new teacher education programs, providing options for the five all-level (K-12) certification areas of art, dance, foreign language, health and physical education, and music through new undergraduate and alternate teacher education programs.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2761 (December 2003).

All-Level (K-12) Certification Areas

All-Level Undergraduate Program Structure †		Art	Dance	Foreign Language	Health and Physical Education	Vocal and/or Instrumental Music
General Education Coursework	English	6 hours	6 hours	6 hours	6 hours	6 hours
	Mathematics	6 hours	6 hours	6 hours	6 hours	6 hours
	Sciences	9 hours	9 hours	9 hours	9 hours	9 hours
	Social Studies	6 hours	6 hours	6 hours	6 hours	6 hours
	Arts	3 hours	3 hours	3 hours	3 hours	3 hours
FOCUS AREA		31 semester hours of Art Coursework	31 semester hours Dance Coursework	31 semester hours Foreign Language Coursework*	31 semester hours H&PE Coursework	31 semester vocal music; or 31 semester hours instrumental music; or 50 hours Vocal and Instrumental Music,
Knowledge of the Learner and the Learning Environment (These hours may be integrated into other areas in developing new courses)	Child Development/ Psychology, Adolescent Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, and Multicultural Education (Note: Courses should address needs of both the regular and exceptional child, and be provided across all K-12 grade levels)	18 hours Emphasis across all grade levels K-12	18 hours Emphasis across all grade levels K-12	18 hours Emphasis across all grade levels K-12	18 hours Emphasis across all grade levels K-12	18 hours Emphasis across all grade levels K-12
	Methodology and Teaching	Reading	3 hours	3 hours	3 hours	3 hours
	Teaching Methodology and Strategies	6 hours	6 hours	6 hours	6 hours	6 hours
	Student Teaching**	9 hours	9 hours	9 hours	9 hours	9 hours
Flexible Hours for the University's Use***		27 hours	27 hours	27 hours	27 hours	2-27 hours
TOTAL HOURS †		124 hours	124 hours	124 hours	124 hours	124 hours

Note: If students do not possess basic technology skills, they should be provided coursework or opportunities to develop those skills early in their program.

*If foreign language is French, at least 12 hours must be earned through a two-semester residence in a university abroad OR through two summer of intensive immersion study on a LA university campus, an out-of-state university, or abroad.

**Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

***In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

†Candidates who complete all-level programs will be certified for regular education across grades K-12 and are eligible to add endorsements for 7-12 teaching areas. Candidates may devote flexible hours toward acquisition of a second academic focus in a 7-12 teaching area.

Louisiana Alternate Certification Programs

Practitioner Teacher Program Alternative Path to Certification

State-approved private providers and Louisiana colleges or universities with an approved teacher education program may choose to offer a Practitioner Teacher Program. Practitioner Teacher Programs may offer certification in Grades 1-6, Grades 4-8, or Grades 7-12 (regular or special education). The Practitioner Teacher Program is a streamlined certification path that combines intensive coursework and full-time teaching.

1. Admission to the Program. Program providers will work with district personnel to identify Practitioner Teacher Program candidates who will be employed by districts during the fall and spring. To be admitted, individuals should:

a. possess a baccalaureate degree from a regionally accredited university;

b. have a 2.50 GPA on undergraduate work. Appropriate, successful work experience can be substituted for the required GPA, at the discretion of the program provider. However, in no case may the GPA be less than 2.20. (Note: State law requires that upon completion of the program, the teacher candidate has a 2.50 GPA for certification.);

c. pass the PRAXIS Pre-Professional Skills Test (e.g., reading, writing, and mathematics). (Individuals who already possess a graduate degree will be exempted from this requirement.);

d. pass the PRAXIS content specific examinations:

(1) candidates for grades 1-6 (regular and special education): pass the *Elementary Education: Content Knowledge* specialty examination;

(2) candidates for grades 4-8 (regular and special education): pass the *Middle School: Content Knowledge* specialty examination;

(3) candidates for grades 7-12 (regular and special education): pass the *content specialty examination(s)* in the content area(s) in which they intend to teach;

(4) candidates for all-level K-12 areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area;

e. meet other non-course requirements established by the college or university.

2. Teaching Preparation (Summer) 9 credit hours (or equivalent 135 contact hours) All teachers will participate in field-based experiences in school settings while completing the summer courses (or equivalent contact hours).

Grades 1-6, 4-8, and 7-12 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design, and instructional strategies before starting their teaching internships.

Mild/Moderate Special Education 1-12 practitioner teachers will successfully complete courses (or equivalent contact hours) that focus on special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, and vocational and transition services for students with disabilities.

All-Level K-12 practitioner teachers will successfully complete courses (or equivalent contact hours) pertaining to child and adolescent psychology, the diverse learner, classroom management and organization, assessment; instructional design, and instructional strategies across grade levels K-12 before starting their teaching internships.

3. Teaching Internship and First-Year Support 12 credit hours (or equivalent 180 contact hours)

Practitioner teachers will assume full-time teaching positions in districts. During the school year, these individuals will participate in two seminars (one seminar during the fall and one seminar during the spring) that address immediate needs of the Practitioner Teacher Program teachers and will receive one-on-one supervision through an internship provided by the program providers. The practitioner teacher will also receive support from school-based mentor teachers provided by the Louisiana Teacher Assistance and Assessment Program (LaTAAP) and principals. Note: For all-level areas (art, dance, foreign language, health and physical education, and music), experiences should be provided across grades K-12.

4. Teaching Performance Review (End of First Year)

Program providers, principals, mentors, and practitioner teachers will form teams to review first-year teaching performance of practitioner teachers and determine the extent to which the practitioner teachers have demonstrated teaching proficiency. If practitioner teachers demonstrated proficiency, they will enter into the assessment portion of the Louisiana Teacher Assistance and Assessment Program during the next fall. (If a practitioner teacher who passed the assessment portion of the Louisiana Teacher Assistance and Assessment program prior to entering the Practitioner Teacher Program continues to demonstrate the Louisiana Components of Effective Teaching at the "competent" level, the team may, by unanimous decision, exempt the teacher from completing the assessment part of the Louisiana Teacher Assistance and Assessment Program.)

If weaknesses are cited, teams will identify additional types of instruction needed to address the areas of need. Prescriptive plans that require from one to nine credit hours (or 15 to 135 equivalent contact hours) of instruction will be developed for practitioner teachers. In addition, teams will determine whether practitioner teachers should participate in the new teacher assessment during the fall or whether the practitioner teachers should receive additional mentor support and be assessed after the fall.

5. Prescriptive Plan Implementation (Second Year)
1-9 credit hours (15 to 135 contact hours)

Practitioner teachers who demonstrate areas of need will complete prescriptive plans.

6. Louisiana Assessment Program (Second Year)

Practitioner teachers will be assessed during the fall or later, depending upon their teaching proficiencies.

7. PRAXIS Review (Second Year)

Program providers will offer review sessions to prepare practitioner teachers to pass remaining components of the PRAXIS.

8. Certification Requirements

(Requirements must be met within a three-year time period. A practitioner teacher's license will not be renewed if all course requirements are not met with these three years.)

Private providers and colleges or universities will submit signed statements to the Louisiana Department of Education that indicate that the student completing the Practitioner Teacher Program alternative certification path met the following requirements.

- a. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.)
- b. Completed the Teaching Preparation and Teaching Internship segments of the program with an overall 2.50 or higher GPA.
- c. Passed the Louisiana Teacher Assistance and Assessment Program.
- d. Completed prescriptive plans (if weaknesses were demonstrated).
- e. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

1) Grades 1-6 (regular and special education): Elementary Education: Content Knowledge Exam #0014.

2) Grades 4-8 (regular and special education): Middle School Education: Content Knowledge Exam #0146.

3) Grades 7-12 (regular and special education): Content specialty examination in area(s) in which candidate intends to teach. (Note: This test was required for admission. If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.)

4) All-Level K-12 areas (art, dance, foreign language, health and physical education, and music): Content specialty examination in area(s) in which candidate intends to teach. (Note: This test was required for admission. If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.) Provider must develop a process to assure that candidates for all-level certification demonstrate necessary performance skills in the area of certification.

f. Passed the Principles of Learning and Teaching examination (PRAXIS).

1) Grades 1-6: Principles of Learning and Teaching K-6.

2) Grades 4-8: Principles of Learning and Teaching 5-9.

3) Grades 7-12 and All-Level K-12 Certification: Principles of Learning and Teaching 7-12.

4) Mild/Moderate Special Education 1-12: Special education exams (to be determined).

9. Ongoing Support (Second and Third Year)

Program providers will provide support services to practitioner teachers during their second and third years of teaching. Types of support may include on-line support, Internet resources, special seminars, etc.

10. Professional License (Practitioner License to Level 2)

Practitioner teachers will be issued a Practitioner License when they enter the program. They will be issued a Level 1 Professional License once they have successfully completed all requirements of the program; after three years of teaching, they will be eligible for a Level 2 license.

Undergraduate/Graduate Courses and Graduate Programs

Universities may offer the courses at undergraduate or graduate levels. Efforts should be made to allow students to use graduate hours as electives if the students are pursuing a graduate degree.

Masters Degree Program Alternative Path to Certification

A Louisiana college or university with an approved teacher education program may choose to offer an alternative certification program that leads to a master's degree. The college or university may choose to offer the masters degree program as either a Master of Education or a Master of Arts in Teaching. Masters Degree Programs may offer certification in Grades PK-3, 1-6, 4-8, 7-12, All-Level K-12 (Art, Dance, Foreign Language, Health and Physical Education, and Music), or Mild-Moderate Special Education.

Admission to the Program

To be admitted, individuals should:

1. possess a baccalaureate degree from a regionally accredited university;
2. have a 2.50 GPA, or higher, on undergraduate work;
3. pass the Pre-Professional Skills Test (e.g., reading, writing, and mathematics) on the PRAXIS (Individuals who already possess a graduate degree will be exempted from this requirement.);
4. pass the PRAXIS content-specific subject area examination:
 - a. candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;
 - b. candidates for grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;
 - c. candidates for grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam;
 - d. candidates for grades 7-12 (regular and special education): pass the content specialty examination(s) of the PRAXIS in the content area(s) in which they intend to teach. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area;
 - e. candidates for all-level K-12 Areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area;
5. meet other non-course requirements established by the college or university.

Program Requirements

1. Knowledge of Learner and the Learning Environment 15 credit hours

Grades PK-3, 1-6, 4-8, and 7-12: Child or adolescent development or psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies.

Mild/Moderate Special Education 1-12: Special needs of the mild/moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for mild/moderate exceptional children, vocational and transition services for students with disabilities.

All-Level (Grades K-12): Child AND adolescent psychology, the diverse learner, classroom management/organization, assessment, instructional design and instructional strategies, across grade levels K-12.

2. Methodology and Teaching 12-15 credit hours

Methods courses and field experiences. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

3. Student Teaching or Internship 6-9 credit hours Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

TOTAL: 33-39 credit hours

Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education which indicate that the student completing the Masters Degree Program alternative certification path met the following requirements.

1. Passed PPST components of the PRAXIS. (Note: This test was required for admission.)

2. Completed coursework (undergraduate and masters program) with an overall 2.50 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area of certification. (Note: This test was required for admission.)

a. Grades PK-3: Elementary Education: Content Knowledge (#0014) specialty examination.

b. Grades 1-6: Elementary Education: Content Knowledge (#0014) specialty examination.

c. Grades 4-8: Middle School Education: Content Knowledge (#0146) specialty examination.

d. Grades 7-12 and All-Level K-12 Certification: Specialty content test in areas to be certified. (Note: This test was required for admission.) If no exam was adopted for Louisiana in the certification area, for admission purposes, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area.

e. Mild/Moderate Special Education 1-12: Special Education.

4. Passed the Principles of Learning and Teaching examination (PRAXIS).

a. Grades PK-3: Principles of Learning and Teaching K-6.

b. Grades 1-6: Principles of Learning and Teaching K-6.

c. Grades 4-8: Principles of Learning and Teaching 5-9.

d. Grades 7-12; All-Level K-12 Certification: Principles of Learning and Teaching 7-12.

Universities offering alternative certification options were required to begin implementation of the newly adopted paths on or before July 2002.

No students should be accepted into the "old" post-baccalaureate alternate certification program after Spring Semester 2003. Candidates already in the "old" alternative certification program would be given until August 31, 2006 to complete their programs.

Non-Masters/Certification-Only Program

Alternative Path to Certification

This program is designed to serve those candidates who may not elect participation in or be eligible for certification under either the Practitioner Teacher Alternate Certification Program or the Master's Degree Alternate Certification Program. The program may also be accessible in some areas of the state in which the other alternate certification programs are not available. Non-Master's/ Certification-Only Programs may offer certification in PK-3, 1-6, 4-8, 7-12, All-Level K-12 (Art, Dance, Foreign Language, Health and Physical Education, and Music), or Mild-Moderate Special Education.

Admission to the Program

To be admitted, individuals should:

1. possess a baccalaureate degree from a regionally accredited university;

2. have a 2.20 GPA, or higher, on undergraduate coursework. (An overall 2.50 GPA is required for certification. Those candidates with a GPA lower than 2.50 may have to take additional courses in the program to achieve a 2.50 GPA.);

3. pass the PRAXIS Pre-Professional Skills Test (PPST) (Individuals who already possess a graduate degree will be exempted from this requirement.); and

4. pass the PRAXIS content-specific subject area examination:

a. candidates for PK-3 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

b. candidates for grades 1-6 (regular and special education): pass the Elementary Education: Content Knowledge (#0014) specialty exam;

c. candidates for grades 4-8 (regular and special education): pass the Middle School Education: Content Knowledge (#0146) specialty exam;

d. candidates for grades 7-12 (regular and special education): pass the content specialty examination(s) of the PRAXIS in the content area(s) in which they intend to teach. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area;

e. candidates for all-level K-12 areas of Art, Dance, Foreign Language, Health and Physical Education, and Music: pass the content specialty examination. If no exam has been adopted for Louisiana in the certification area, candidates must present a minimum of 31 semester hours of coursework specific to the content area. Provider must develop a process to assure that candidates demonstrate necessary performance skills in the all-level certification area.

Program Requirements

This program will provide the same rigor as other certification routes provided by aligning with such empirically-based standards as National Council for the Accreditation of Teacher Education (NCATE), Interstate New Teacher Assessment and Support Consortium (INTASC), Louisiana Components of Effective Teaching (LCET), and the Louisiana Content Standards. This program will also emphasize collaboration between the university and the school districts in order to share and exchange strategies, techniques, and methodologies; and integrate field-based experiences into the curriculum.

Program Structure

1. Knowledge of Learner and the Learning Environment* 12 hours

Grades PK-3, 1-6, 4-8, and 7-12: Child/ or adolescent development / or psychology, the diverse learner, classroom management/organization/environment, assessment, instructional design, and reading/instructional strategies that are content- and level-appropriate.

Mild/Moderate Special Education 1-12: Special needs of the Special Education Mild/Moderate exceptional child, classroom management, behavioral management, assessment and evaluation, methods and materials for Special Education Mild/Moderate exceptional children, vocational and transition services for students with disabilities.

All-Level K-12 Areas: Child psychology and adolescent psychology; the diverse learner; classroom management/organization/environment; assessment; instructional design, and reading/instructional strategies across grade levels K-12.

*All courses for regular and special education will integrate effective teaching components, content standards, technology, reading, and portfolio development. Field-based experiences will be embedded in each course.

2. Methodology and Teaching 6 hours

Methods courses to include case studies and field experiences. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), experiences should be provided across grades K-12.

3. Internship or Student Teaching 6 hours

Will include methodology seminars that are participant-oriented. Note: For all-level K-12 areas (Art, Dance, Foreign Language, Health and Physical Education, and Music), internship or student teaching experiences should be provided across grades K-12.

4. Prescriptive Plan 1-9 hours

The prescriptive plan can be pre-planned courses for individual programs or can be individualized courses for the candidate who demonstrates areas of need, not to exceed 9 semester hours.

TOTAL 24-33 hours

Certification Requirements

Colleges or universities will submit signed statements to the Louisiana Department of Education that indicate the student completing the Non-Master's/Certification-Only alternative certification path met the following requirements.

1. Passed the PPST components of the PRAXIS. (Note: This test was required for admission.) (Individuals who already possess a graduate degree will be exempted from this requirement).

2. Completed all coursework (including the certification program) with an overall 2.5 or higher GPA.

3. Passed the specialty examination (PRAXIS) for the area(s) of certification. (Note: This test was required for admission.)

a. Grades PK-3: Elementary Education: Content Knowledge (#0014) specialty examination.

b. Grades 1-6: Elementary Education: Content Knowledge (#0014) specialty examination.

c. Grades 4-8: Middle School Education: Content Knowledge (#0146) specialty examination.

d. Grades 7-12 and All-Level K-12 Certification: Specialty content test in areas to be certified. (Note: This test was required for admission. If no exam was adopted for Louisiana in the certification area, candidates were required to present a minimum of 31 semester hours of coursework specific to the content area for admission to the program.)

4. Passed the Principles of Learning and Teaching examination (PRAXIS).

a. Grades PK-3 (regular and special education): Principles of Learning and Teaching K-6.

b. Grades 1-6 (regular and special education): Principles of Learning and Teaching K-6.

c. Grades 4-8 (regular and special education): Principles of Learning and Teaching 5-9.

d. Grades 7-12 (regular and special education and All-Level K-12 Certification): Principles of Learning and Teaching 7-12.

Universities offering the Non-Master's/Certification-Only alternative certification option are required to begin implementation of the newly adopted paths during or before Summer 2003.

No students should be accepted into the "old" post-baccalaureate alternate certification program after Spring Semester 2003. Candidates already in the "old" alternative certification program would be given until August 31, 2006, to complete their programs.

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0312#040

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? College of Arts/Humanities/Science (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds a non-education undergraduate degree program option as a means to obtain secondary education certification, through a minor in secondary education. This policy provides a certification option for those who wish to become certified, do not want an undergraduate degree in education, and wish to obtain a pure content undergraduate degree.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations
A. Bulletin 746**

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2767 (December 2003).

College of Arts/Humanities/Sciences

Degree Pathway to Secondary Education Certification

The following certification structure identifies courses that candidates must complete if pursuing a degree through the College of Arts/Humanities/Sciences with an education minor to become certified to teach.

Areas		College of Arts/Science Degree Secondary Pathway BA or BS Degree in a Content Area	
General Education Coursework	English	6 hours	
	Mathematics	6 hours	
	Science	9 hours	
	Social Studies	6 hours	
	Arts	3 hours	
Focus Areas	Major in a Content Area: (semester hours can include General Education Coursework, if appropriate, and additional coursework)	31 hours (minimum)	
	Minor in Education: 33 hours (should address the needs of the regular and the exceptional child)	Knowledge of the Learner and Learning Environment (should address the following areas): Adolescent Development/ Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, Multicultural Education	15 hours
		Reading	3 hours
		Methodology	6 hours
Student Teaching		9 hours	
Flexible Hours*		30-39* hours	
Total Hours		124 hours	

*The number of flexible hours is dependent upon the number of General Education courses in English, Mathematics, Science, and Social Studies that can be applied toward the major. The number of

hours for the major should be a minimum of 31 hours, and the total curriculum (including flexible hours) should be 124 credit hours.

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0312#041

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? Higher Certificates for Teachers (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy amends current policy, to provide for new licensure categories of Level 2* (asterisk) and Level 3* (asterisk) certificates for non-public school teachers. Nonpublic school teachers were able to move to higher certificates under the old licensure structure. This amended policy is necessitated by the move to a new licensure structure in July 2002.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

**§903. Teacher Certification Standards and Regulations
A. Bulletin 746**

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2767 (December 2003).

Higher Certificates for Teachers in Non-Public Schools Who Have Not Completed the State Teacher Assessment Program

Louisiana state certified teachers teaching in any approved on-public schools shall be awarded a permanent teaching certificate, provided they have successfully:

1. taught for three years in the teacher's area of certification; and
2. completed a teacher assessment program for three consecutive years at the same non-public school. This assessment shall be performed by the non-public school principal and shall, as a minimum, include satisfactory assessment of the teacher's performance in the following areas: planning, management, instruction, and professional development.

The three years of teaching in the area of certification and the three consecutive years of teacher assessment may be accomplished concurrently or during different school years. The principal of the non-public school shall certify when the above criteria have been met.

Teachers in a non-public school who have taught three consecutive years in the same non-public school and who have completed the school-based teacher assessment program successfully are eligible for a Type B* certificate or a Level 2* certificate which is valid in non-public schools only. The asterisk behind the "B" or "2" would refer to statements at the bottom of the certificate which read as follows.

If this teacher enters a public school system in Louisiana, he/she will be required to successfully complete the state teacher assessment program.

If a teacher with a Level 2* certificate moves to a public school setting, the regular renewal guideline will apply, namely professional development Continuing Learning Units (CLUs) at the rate of 150 every five-year period.

The same asterisk would appear on the Type A and Level 3 certificates.

The accumulation of the required three years of experience began with the 1998-1999 school year. Any non-public school that seeks participation for its teachers in state teacher assessment will be allowed to participate in the program.

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RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? Highly Qualified Middle School Teacher (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy sets guidelines for highly qualified status for middle school teachers for the period July 1, 2003 through June 30, 2004, in terms of PRAXIS exam requirements. This action helps to align Louisiana policy with the No Child Left Behind Act of 2001.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2768 (December 2003).

Highly Qualified Middle School Teachers One-Year Policy for July 1, 2003, through June 30, 2004

Candidates for certification in middle school (grades 4-8) who passed PRAXIS Exam #0146 (Middle School: Content Knowledge) prior to July 1, 2003, are grandfathered in as "highly qualified" for the one-year period beginning July 1, 2003, and ending June 30, 2004, and are required to meet "highly qualified" status for "not new" middle school teachers by the end of school year 2005-2006.

Middle school teachers "new to the profession" who complete PRAXIS exams after June 30, 2003, are required to successfully complete the middle school content-specific exams in any of the four academic disciplines (English/language arts, mathematics, science, and social studies) in which they are teaching in order to achieve "highly qualified" status.

Weegie Peabody
Executive Director

0312#043

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? Nonpublic Temporary Certificate (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746, Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy adds a new licensure category, the Nonpublic Temporary Certificate, to the certificates being issued by the state. This allows teachers in nonpublic schools to be temporarily licensed under renewal requirements particular to the nonpublic school setting.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2768 (December 2003).

Nonpublic Temporary Certificate

A Non-public Temporary Certificate will be granted to those teachers practicing in a non-public school setting who need temporary credentialing.

An initial fee must be paid with the first application for this certificate, with no fee requirement for renewal. The guideline for renewal of this Non-Public Temporary

Certificate is six semester hours of professional coursework per year.

Weegie Peabody
Executive Director

0312#044

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? Policy for Add-On of Teaching Level and of Teaching Areas within Levels (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy provides an objective standard for the add-on of teaching level endorsements and of teaching area endorsements within levels, forming a bridge from the old certification structure requirements to the new certification structure requirements. The state has moved from an old certificate structure to a new structure. This policy simplifies the addition of endorsement areas for teachers and provides an objective means of moving from the old to the new.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2769 (December 2003).

Add-On of Teaching Level and Teaching Areas within Levels

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
1-4, 1-6, or 1-8	PK-3	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) AND 2. Accumulate 12 hours of combined Nursery School and Kindergarten coursework OR Achieve passing Praxis score for Praxis Early Childhood Education Exam (#0020) AND

		3. Complete a one-year supervised internship in PK or K OR Present evidence of at least three years of successful teaching experience at PK-K level AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology
4-8, 5-8, 7-12, Mild/Moderate, or All-Level K-12 (Art, Dance, Foreign Language, Health, PE, H&PE, Music)	PK-3	1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014) OR Accumulate content and teaching methodology hours for an academic major in Early Childhood: 12 hours English 12 hours Reading/Language Arts 18 hours Mathematics 9 hours Sciences 9 hours Social Studies AND 2. Achieve passing Praxis score for Praxis Early Childhood Education Exam (#0020) OR Accumulate 12 hours (content and teaching methodology) in Nursery School and Kindergarten combined AND 3. Present evidence of at least three years of successful teaching experience at the PK-3 level OR Complete a one-year supervised internship in PK-3 AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology.

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-K or PK-3	1-6	<p>1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014)</p> <p>OR</p> <p>Accumulate hours (content and teaching methodology) for an academic major in elementary: 24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching K-6</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours of early literacy concepts of mathematics, and 3 semester hours of child development/psychology.</p>
4-8, 5-8	1-6	<p>1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014)</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching K-6</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>4. Education Content Emphasis: Accumulate 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology</p>

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
7-12	1-6	<p>1. Content Emphasis: Achieve passing score for Praxis Elementary Education: Content Knowledge (#0014)</p> <p>OR</p> <p>Accumulate hours (content and teaching methodology) for an academic major in elementary: 24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies</p> <p>AND</p> <p>2. Achieve passing score for Praxis Principles of Learning and Teaching K-6</p> <p>AND</p> <p>3. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology</p>
Mild/Moderate Special Education or All-Level K-12 (<i>Art, Dance, Foreign Language, Music, Health, Physical Education, and H&PE</i>)	1-6	<p>1. Content Emphasis: Pass Elementary Education: Content Knowledge Praxis exam (#0014)</p> <p>OR</p> <p>Accumulate hours (content and teaching methodology) for an academic major in Elementary Education: 24 Reading/Language Arts 21 Mathematics total 15 Sciences 12 Social Studies</p> <p>AND</p> <p>2. Present evidence of at least three years of successful teaching experience at the 1-6 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 1-6</p> <p>AND</p> <p>3. Education Content Emphasis: Candidate must have accumulated 9 semester hours reading coursework, 3 semester hours early literacy concepts of mathematics, and 3 semester hours child development/psychology.</p>

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-3, 1-4, 1-6, 5-8, or 7-12	4-8 Specialty Area of English, Math, Science, or Social Studies	1. Accumulate 31 hours in the specialty content area OR Achieve passing Praxis score for Middle School: Specialty Area Exam in the content area AND 2. Achieve passing score for Praxis Principles of Learning and Teaching 5-9 AND 3. Present evidence of at least three years of successful teaching experience at the 4-8 level OR Complete a one-year supervised internship in 4-8 AND 4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework and 3 semester hours adolescent psychology.
PK-3, 1-4, 1-6, 1-8, 4-8, or 5-8	7-12	1. Pass Praxis specialty area exam requirement OR Accumulate 31 hours in content-specific area AND 2. Achieve passing score for Praxis Principles of Learning and Teaching 7-12 AND 3. Present evidence of at least three years of successful teaching experience at the 7-12 level OR Complete a one-year supervised internship in 7-12 AND 4. Education Content Emphasis: Complete 3 semester hours of adolescent psychology and 3 semester hours of secondary teaching methods
PK-3, 1-4, 1-6, 4-8, 1-8, 7-12, or Mild/Moderate Special Education	An All-Level (K-12) Area [<i>Art, Dance, Foreign Language, Music, Health, Physical Education, and H&PE</i>]	1. Pass the Praxis specialty area exam OR Accumulate 31 semester hours in the content specialty area AND

		2. Complete a supervised internship in the all-level area as a demonstration of performance skill OR Present evidence of at least three years of successful teaching experience in the all-level area AND
		3. Education Content Emphasis: Present 3 semester hours of credit in child development or psychology and 3 semester hours of credit in adolescent psychology, or 3 semester hours of credit in a course that combines child and adolescent psychology

Initial Certification (Prior Program)	Seeking This Endorsement	Requirements
PK-3, 1-4, 1-6, 4-8, 5-8, 1-8, 7-12, or All-Level K-12 <i>(Art, Dance, Foreign Language, Music, Health, Physical Education, and H&PE)</i>	Mild/Moderate Special Education	1. Content Emphasis: Pass Praxis content knowledge Praxis exam required for the level AND 2. Special Education Emphasis: 15 hours of coursework: to include Methods/Materials for Mild/Moderate Exceptional Children (3); Assessment and Evaluation of Exceptional Learners (3); Behavioral Management of Mild/Moderate Exceptional Children (3); Vocational and Transition Services for Students with Disabilities (3); and Practicum in Assessment and Evaluation of M/M Exceptional Learners (3) AND 3. Earn a passing score on Mild/Moderate Special Education Praxis content specialty exam(s) required in Louisiana AND 4. Complete a one-year supervised internship in Mild/Moderate OR Present evidence of at least three years of successful teaching experience in mild/moderate
Mild/Moderate Special Education or All-Level K-12 <i>(Art, Dance, Foreign Language, Music, Health, Physical Education, and H&PE)</i>	4-8 Specialty Area of English, Math, Science, or Social Studies	1. Accumulate 31 hours in the specialty content area OR Achieve passing score for Middle School: Specialty Area Praxis Exam in the content area AND

		<p>2. Complete a one-year supervised internship in 4-8 in the content specialty area</p> <p>OR</p> <p>3. Present evidence of at last three years of successful teaching experience in 4-8 in the content specialty area</p> <p>AND</p> <p>4. Education Content Emphasis: Candidate must have accumulated 9 semester hours of reading coursework, 3 semester hours of adolescent psychology, and 3 semester hours of middle school teaching methods.</p>
	7-12	<p>1. Pass Praxis specialty area exam requirement</p> <p>OR</p> <p>Accumulate 31 hours in content-specific area</p> <p>AND</p> <p>2. Present evidence of at least three years of successful teaching experience at the 7-12 level</p> <p>OR</p> <p>Complete a one-year supervised internship in 7-12</p> <p>AND</p> <p>3. Education Content Emphasis: Complete 3 semester hours of adolescent psychology and 3 semester hours of secondary teaching methods</p>

Weegie Peabody
Executive Director

0312#046

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? PRAXIS Exams and Passing Scores for Louisiana Certification (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards*

for State Certification of School Personnel, referenced in LAC 28:I.903.A. This policy specifies the exam and passing score for the following certification areas: secondary areas of French, mathematics, and Spanish; middle school mathematics; and the all-level (K-12) areas of Music and Physical Education. It names four new special education pedagogy exams and passing scores to be used for the certification areas of Hearing Impaired, Mild to Moderate Disabilities, Severe to Profound Disabilities, and Early Interventionist. It names one exam and the passing score to be used with the two separate certification areas of elementary education and early childhood education. Finally, it specifies the exam the state will use, along with a passing score, for determining highly qualified status for paraprofessionals.

Five exams currently used by the state have been retired by Educational Testing Service, necessitating the adoption of new exams for the areas of French, secondary Mathematics, Music, Physical Education, and Spanish. In response to the No Child Left Behind Act, the board approved an exam to be used for paraprofessionals. The four special education exams, as well as the exam for middle school mathematics, are new exams to be used in Louisiana. Also, the board periodically revisits passing scores of previously adopted exams and adopts new passing scores, as is the case with the exam entitled "Elementary Education: Content Knowledge;" and the Board sanctioned use of this exam for Early Childhood Education candidates as well as for Elementary Education candidates.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2772 (December 2003).

PRAXIS/NTE SCORES

Minimum Score Requirements for Certification in Louisiana, Effective 6/1/04

(See next pages for NTE tests/scores required for certification in Louisiana prior to 9/1/99* and as of 9/1/99)

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT	PLT	OR	PLT
					K-6	5-9		7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	540	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood PK-3: Elementary Education: Content Knowledge #0014	150	172	171	170	Pedagogy Requirement: Early Childhood Education (0020)			510
Elementary Education: Through 9/30/02: Curriculum, Instruction, & Assessment (0011) Content Area Exercises (0012) Effective 10/1/02: Content Knowledge (#0014) Effective 6/1/04: Content Knowledge (#0014)	156 137 147 150	172	171	170	161	---		---
English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	172	171	170	---	---		161
French: Content Knowledge (0173)	156	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161
Mathematics: Content Knowledge (0061) Effective 6/1/07 Effective 6/1/10	125 130 135	172	171	170	---	---		161
Middle School: Mathematics (0069)	148	172	171	170	---	154		---
Music: Content Knowledge (0113)	151	172	171	170	161	154	or	161
ParaPro Assessment (0755)	450	--	--	--	--	--	--	--
Physical Education: Content Knowledge (0091)	146	172	171	170	161	154	or	161
Spanish: Content Knowledge (0191)	160	172	171	170	---	---		161
Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	172	171	170	---	---		161
Speech Communications***	---	172	171	170	---	---		161

*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

**Computerized PPST (C-PPST) available as an option.

***Area test is not required for certification in Louisiana.

PPST:R? Pre-Professional Skills Test: Reading (0710)
PPST:W? Pre-Professional Skills Test: Writing (0720)
PPST:M? Pre-Professional Skills Test: Mathematics (0730)
PLT K-6? Principles of Learning & Teaching K-6 (0522)
PLT 5-9? Principles of Learning & Teaching 5-9 (0523)
PLT 7-12? Principles of Learning & Teaching 7-12 (0524)

Computer-Based Tests (prior to 1/16/02):		
CBT Reading (0711) 319		
CBT Writing (0721)	316	
CBT Mathematics (0731)	315	
Computerized PPST (after 1/16/02)? same passing scores as written PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)		

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

Special Education Areas

Area Test	Area Score	Pre-Professional Skills Test			Pedagogy Requirement	
		**PPST:R	**PPST:W	**PPST:M		
Early Interventionist		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
Hearing Impaired		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Deaf and Hard of Hearing Students (0271)	160
Mild to Moderate Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Exceptional Students: Mild to Moderate Disabilities (0542)	141

Area Test	Area Score	Pre-Professional Skills Test			Pedagogy Requirement	
		**PPST:R	**PPST:W	**PPST:M		
Severe to Profound Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
					Education of Exceptional Students: Severe to Profound Disabilities (0544)	147

PRAXIS/NTE SCORES

**Minimum Score Requirements for Certification in Louisiana, Effective 9/1/99 (and later, as noted)
(See next page for NTE tests/scores required for certification in Louisiana prior to 9/1/99)***

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT	PLT	OR	PLT
					K-6	5-9		7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	540	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood Education (0020)	510	172	171	170	161	---		---
Elementary Education: Through 9/30/02: Curriculum, Instruction, & Assessment (0011) Content Area Exercises (0012) Effective 10/1/02: Content Knowledge (#0014)	156 137 147	172	171	170	161	---		---
English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	172	171	170	---	---		161
French (0170)	520	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161
Mathematics (0060)	550	172	171	170	---	---		161
Middle School Effective 10/1/02: Content: Knowledge (0146)	150	172	171	170	---	154		---
Music Education (0110)	530	172	171	170	161	154	or	161
Physical Education (0090)	550	172	171	170	161	154	or	161
Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	172	171	170	---	---		161
Spanish (0190)	540	172	171	170	---	---		161
Special Education***	---	172	171	170	161	154	or	161
Speech Communications***	---	172	171	170	---	---		161

*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

**Computerized PPST (C-PPST) available as an option.

***Area test is not required for certification in Louisiana.

PPST:R? Pre-Professional Skills Test: Reading (0710)
 PPST:W? Pre-Professional Skills Test: Writing (0720)
 PPST:M? Pre-Professional Skills Test: Mathematics (0730)
 PLT K-6? Principles of Learning & Teaching K-6 (0522)
 PLT 5-9? Principles of Learning & Teaching 5-9 (0523)
 PLT 7-12? Principles of Learning & Teaching 7-12 (0524)

Computer-Based Tests (prior to 1/16/02):
CBT Reading (0711) 319
 CBT Writing (0721) 316
 CBT Mathematics (0731) 315
 Computerized PPST (after 1/16/02)? same passing scores as written
 PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

NTE SCORES

NTE Minimum Score Requirements for Certification in Louisiana Prior to September 1, 1999

Area Test	Area Score	Core Battery Test		
		CS	GK	PK
Administration and Supervision (0410)	620	---	---	---
Agriculture*	---	645	644	645
Art Education*	---	645	644	645
Biology & General Science (0030)	580	645	644	645
Business Education (0100)	540	645	644	645
Chemistry/Physics/General Science (0070)	530	645	644	645
Early Childhood Education (0020)	510	645	644	645
Education in Elementary School (0010)	550	645	644	645
English Language/Literature (0040)	550	645	644	645
French (0170)	520	645	644	645
German (0180)	500	645	644	645
Home Economics Education (0120)	510	645	644	645
Industrial Arts Education*	---	645	644	645
Mathematics (0060)	550	645	644	645
Music Education (0110)	530	645	644	645
Physical Education (0090)	550	645	644	645
Social Studies (0080)	550	645	644	645
Spanish (0190)	540	645	644	645
Special Education *	---	645	644	645
Speech*	---	645	644	645

*Area test is not required for certification in Louisiana.
 CS = Core Battery: Communication Skills (0500)
 GK = Core Battery: General Knowledge (0510)
 PK = Core Battery: Professional Knowledge (0520)

Weegie Peabody
 Executive Director

0312#045

RULE

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State Certification of School Personnel? Types of Certificates for Speech/Language Pathology Assistants (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy removes the words "Level 1" from the initial Speech/Language Pathology Type C certificate title, allowing the word "assistant" to designate the requirement of supervision. Later, when a master's degree has been earned and all other requirements of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology have been completed, the word "assistant" can be removed from the certificate. This policy will allow the fully sanctioned professional to practice without the word "assistant" on his or her certificate.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 28:760 (April 2002), LR 28:763 (April 2002), LR 28:765 (April 2002), LR 28:990 (May 2002), LR 29:2775 (December 2003).

Types of Certificates for

Speech/Language Pathology Assistants

The following provisions will govern all speech/language pathology assistants certified after Spring Semester 1996.

Type C

A type C certificate for Speech/Language Pathology Assistant, valid for three years and renewable, may be issued to an individual who earns a baccalaureate degree from a regionally accredited institution, including completion of the undergraduate portion of an educational training program, approved by the State Board of Elementary and Secondary Education, in disorders of communication (speech, language, and hearing disorders), with credits distributed as provided for speech, language, and hearing specialists, including general, professional, and specialized academic education and has completed at least 100 clock hours of supervised clinical practicum.

Assistant designates the requirement of supervision by a certified and licensed speech/language pathologist. When a master's degree is earned in disorders of communication (speech, language, and hearing disorders), and when all mandatory supervised experiences and other requirements of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology have been completed, the designation requiring supervision shall be removed upon request.

Ancillary Certificate

An ancillary certificate for Speech/Language Pathology Assistant, valid for three years and renewable, may be issued to an individual who has earned a baccalaureate degree in speech/language pathology from a regionally accredited institution and has completed at least 100 clock hours of supervised clinical practicum.

Assistant designates the requirement of direct supervision by a certified and licensed speech/language pathologist.

Ancillary Speech/Language Pathology Assistant certificates authorize service as a speech pathology assistant only, not as a regular classroom teacher.

Mandatory September 20, 1996

Weegie Peabody
 Executive Director

0312#047

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Emissions Inventory, Toxics Emissions Reporting, and Related Fee Methodology (LAC 33:III.211, 918, 919, and 5107)(AQ220)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the air regulations, LAC 33:III.211, 918, 919, and 5107 (Log #AQ220).

This Rule revision clarifies and updates requirements for emissions inventory. Since parish attainment designations may change, the charts listing the designations have been removed. The definition of "significant change" has been clarified in order to prevent confusion in its interpretation. In the past, the emissions inventory has been used to assess the criteria pollutant annual fees. This Rule links the emissions inventory directly to the appropriate fees section. Changes have been made in order to correlate LAC 33:III.919 with the recently promulgated Consolidated Emissions Reporting Rule (67 FR 39602-39616, No. 111, 6/10/02). PM_{2.5} and ammonia are now specifically listed as required inventory pollutants. No additional data elements that are not already collected in the inventory are required in these changes, though more are listed for Rule completeness. LAC 33:III.211 is clarified to ensure that proper facilities are assessed Air Toxic Annual Emissions Fees. LAC 33:III.918 is revised to strengthen the language for regulatory purposes and for correlation with LAC 33:III.919. LAC 33:III.5107 is revised for housekeeping purposes to correct the submittal contact and address and the certification statement. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for the revision to emissions inventory is clarification and compliance with federal requirements. The fee methodology and toxic emissions reporting changes are for clarification.

This 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 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§211. Methodology

A. - B.13.e. ...

14. Air Toxics Annual Emissions Fees based on actual annual emissions that occurred during the previous calendar year shall be assessed on major stationary sources of toxic air pollutants that are subject to the requirements at LAC 33:III.5109, including facilities granted approval through the permitting process.

15. - 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003).

Chapter 9. General Regulations on Control of Emissions and Emissions Standards §918. Recordkeeping and Annual Reporting

A. Data for emissions reports shall be collected annually. These reports are to be submitted to the Office of Environmental Assessment, Environmental Evaluation Division by March 31 of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report shall include all data applicable to the emissions source or sources as required under LAC 33:III.919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003).

§919. Emissions Inventory

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Environmental Evaluation Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. Applicability. The owner or operator of the following facilities shall submit annual emissions inventories to the Office of Environmental Assessment, Environmental Evaluation Division. The inventory shall include all air pollutants for which a National Ambient Air Quality Standard (NAAQS) has been issued and all NAAQS precursor pollutants.

1. Any facility located in a 1-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

- a. 10 tons per year (TPY) of volatile organic compounds (VOC);
- b. 25 TPY of nitrogen oxides (NO_x);

c. 100 TPY of carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter of less than 10 microns (PM₁₀), or particulate matter of less than 2.5 microns (PM_{2.5}); or

d. 5 TPY of lead (Pb).

2. Any facility located in a parish that adjoins a 1-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. 50 TPY of VOC;

b. 100 TPY of NO_x, CO, SO₂, PM₁₀, or PM_{2.5}; or

c. 5 TPY of Pb.

3. Any facility located in an attainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. 100 TPY of VOC, NO_x, CO, SO₂, PM₁₀, or PM_{2.5}; or

b. 5 TPY of Pb.

4. Any facility in Louisiana defined as a major stationary source of hazardous air pollutants in Section 112(a)(1) of the Federal Clean Air Act (FCAA) or of toxic air pollutants in LAC 33:III.Chapter 51 is required to report.

5. Any facility in Louisiana that has a 40 CFR Part 70 (Title V) Operating Permit is required to report, regardless of emissions limits.

6. No facility classes or categories are exempted.

B. Types of Inventories

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an Annual Emissions Statement (AES) for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities which have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions, insignificant sources (as defined in LAC 33:III.501.B.5, Table A), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. Statewide Annual Emissions Inventory Update. After the initial submittal of an emissions inventory facilities as identified in Subsection A of this Section shall comply with the following requirements.

a. An update to the emissions inventory is required if there is a significant change in the values currently in the emissions reporting system for operating conditions including start-ups, shutdowns, or process changes at the source that results in an increase or reduction in annual emissions of an individual pollutant: VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, or ammonia. VOCs that are also toxic air pollutants shall be considered for the purpose of determining significant change. A *significant change* is defined as the lesser of the following:

i. a 5 percent increase or decrease in the total potential or actual emissions from the facility;

ii. a 50 ton per year increase or decrease in the total potential or actual emissions from the facility; or

iii. a 10 ton per year increase or decrease in the potential or actual emissions from any single emissions point (stack, vent, or fugitive).

b. An update to the emissions inventory is required if there is a cessation of all production processes and termination of operations at the facility.

c. An update to the minimum data submitted in accordance with Paragraph B.5 of this Section is required if there is any change.

d. Unless an update is required in accordance with Subparagraph B.2.a, b, or c of this Section, then only the Certification Statement is required for the annual submittal.

3. Ozone Nonattainment Area Requirement. Facilities in ozone nonattainment areas that meet the applicability in Paragraph A.1 of this Section shall submit an annual inventory. In addition to the minimum data requirements of Paragraph B.5 of this Section, the inventory shall consist of actual, annual emissions and typical weekday emissions that occur during the three-month period of greatest or most frequent ozone exceedances. *Typical weekday emissions* are defined as an average daily emissions rate that is calculated for each week of the three-month period of greatest or most frequent ozone exceedances. The department will indicate in the annual instructions which three-month period has the greatest or most frequent ozone exceedances in each ozone nonattainment area.

4. Special Inventories. Upon request by the administrative authority, any facility subject to any Rule of the Environmental Quality regulations, LAC Title 33, shall file additional emissions data with the department. The request shall specify a reasonable time for response, which shall not be less than 60 days from receipt of the request.

5. Minimum Data Requirements. The minimum data requirements for the emissions inventory are listed below. Operating and process rate information are provided for information only, and do not constitute permit limits. Submittal of a report of excess emissions above allowable limits under this regulation does not pre-empt the need for compliance with LAC 33:III.Chapter 5 that requires a permit request to initiate or increase emissions, nor does it qualify as a notice of excess emissions. Format and submittal requirements will be published annually by the department. Any new or modified data requirements will be included in the annual requests for updates. Any substantive changes will be established in accordance with the Administrative Procedure Act. Except for the annual Certification Statement, the minimum data requirements apply to initial

submittals only. Data requirements for updates require that only those data elements that have changed be submitted.

a. **Certification Statement.** A Certification Statement, required by Section 182(a)(3)(B) of the FCAA, shall be signed by a responsible official as defined in LAC 33:III.502.A, or a person designated by the responsible official, and shall accompany each emissions inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The Certification Statement shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

b. **Facility Identification Information.** The facility identification information shall include:

- i. full name, physical location, and mailing address of facility;
- ii. UTM horizontal and vertical coordinates; and
- iii. SIC code(s).

c. **Operating Information.** The operating information shall include:

- i. percentage annual throughput by season. The four seasons will represent one calendar year. The first season, winter, will represent January, February, and December of the reporting year; spring will be March-May; summer will be June-August; and fall will be September-November;
- ii. days per week during the normal operating schedule;
- iii. hours per day during the normal operating schedule; and
- iv. weeks per year during the normal operating schedule.

d. **Process Rate Data.** The process rate data shall include:

- i. annual process rate (annual throughput). The SCC prescribes the units to be used with each SCC for annual fuel/process rate reporting;
- ii. in nonattainment parishes, peak ozone season daily process rate. The SCC prescribes the units to be used with each SCC for peak ozone season daily process rate reporting. *Peak ozone season daily process rate* is an average of emissions from a daily operation during the peak ozone season months; and
- iii. annual average heat, ash, and sulfur content and design capacity, where applicable.

e. **Control Equipment Information.** The control equipment information shall include:

- i. current primary and secondary control equipment; and
- ii. current control equipment efficiency (percent). The actual efficiency should reflect the total control efficiency from all control equipment and include downtime and maintenance degradation. If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used.

f. **Emissions Information.** The emissions information shall include:

- i. estimated actual criteria pollutant and precursor emissions at the emissions point level, in tons per year, if applicable, for an annual emissions rate and pounds per day for a typical ozone season day. Actual emissions estimates

must include all emissions, i.e., upsets, downtime, fugitive emissions, and insignificant sources;

- ii. permitted criteria pollutant and precursor emissions at the emissions point level in tons per year and in pounds per hour;

- iii. estimated emissions method;

- iv. calendar year for the emissions; and

- v. emissions factor (if emissions were calculated using an emissions factor).

g. **Stack Parameters.** The stack parameters shall include:

- i. stack height;

- ii. stack diameter;

- iii. exit gas temperature;

- iv. exit gas velocity; and

- v. exit gas flow rate.

C. **Calculations.** Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing is the desired method of calculating emissions from an emissions point. In lieu of CEMS data, emissions shall be calculated using the best available information. Sources of emissions factors include the Compilation of Air Pollution Emission Factors (AP-42), calculations published in Engineering Journals, or other EPA or department-approved estimation methodologies.

D. **Reporting Requirements.** The annual emissions inventory shall be submitted to the department no later than March 31 for the previous calendar year unless otherwise directed.

E. **Enforcement.** The department reserves the right to initiate formal enforcement actions, under R.S. 30:2025, for failure to submit emissions inventories as required in this Section.

F. **Fees.** The annual emissions inventory will be used to assess the criteria pollutant annual fee as per LAC 33:III.223.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. **Annual Emissions Reporting.** The owner or operator of any stationary source that emits any toxic air pollutant listed in Table 51.1 or Table 51.3 shall submit a completed annual emissions report to the Office of Environmental Assessment, Environmental Evaluation Division in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

1. ...
2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the Office of Environmental Assessment, Environmental Evaluation Division on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in Table 51.1 or Table 51.3.

3. Initial and subsequent annual emissions reports and revisions to any emissions report shall include a certification statement to attest that the information contained in the emissions report is true, accurate, and complete, and signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, title, signature, date of signature, and phone number of the responsible official. The certification statement shall read:

"I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under state regulations."

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003).

James H. Brent, Ph.D.
Assistant Secretary

0312#060

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Waste Tire Regulations
(LAC 33:VII.10505, 10519, 10525,
10527, and 10533)(SW034)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Solid Waste regulations, LAC 33:VII.10505, 10519, 10525, 10527, and 10533 (Log #SW034).

The Rule clarifies and adds definitions and reporting requirements for collection centers, adds recall and adjustment tires to the fee system, changes the number of unmanifested tires that can be dropped off at collection

centers from 20 to 5 per day per customer, and adds requirements for generators other than new tire dealers to maintain purchase receipts, inventory records, and sales invoices for three years. Waste tires have been coming from out-of-state into the waste tire program. There has been no fee collected on these tires, but they have been processed, marketed, and paid for through the Louisiana Waste Tire Program. The basis and rationale for this Rule are to protect the Waste Tire Management Fund from being depleted by paying for ineligible out-of-state tires.

This Rule includes technical amendments that were suggested and approved at the legislative oversight committee hearing held on December 3, 2003, by the House Environmental Committee and Senate Committee on the Environment. These amendments remove the new definition of *eligible tire* that was proposed and reword new language in §10525.A.1 to clarify that processors can accept both program-eligible and ineligible tires, but only be reimbursed from the Waste Tire Management Fund for eligible tires.

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.

* * *

Adjustment Tire? a tire that becomes unusable for any reason within the manufacturer's control and is returned to the dealer under a tire warranty by the tire manufacturer. Tire adjustments are initiated by the consumer.

* * *

Recall Tire? a tire that is specified as defective by the manufacturer and returned to the dealer so that the dealer may provide a replacement or repair. Recalls are initiated by the manufacturer.

* * *

Used Tire? a tire that can be salvaged and sold as a good, functional vehicle tire.

Used Tire Dealer? any person, business, or firm that engages in the sale of used tires for use on motor vehicles.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003).

§10519. Standards and Responsibilities of Generators of Waste Tires

A. - E.1. ...

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each new tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every new tire sold, unless the purchaser elects to retain the waste tire."

F. - O. ...

P. Generators other than new tire dealers (e.g., used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003).

§10525. Standards and Responsibilities of Waste Tire Processors

A. Receipt of Tires

1. Upon receiving a shipment containing waste tires, the processor shall be responsible for verifying the number of waste tires in the shipment by actually counting each waste tire. The processor shall sign each waste tire manifest upon receiving waste tires. Processors can be reimbursed from the Waste Tire Management Fund for only those eligible tires accepted from authorized Louisiana transporters or from generators as specified in LAC 33:VII.10519.K.

2. Each processor shall accept no more than five unmanifested tires per day per customer. The processor shall maintain a log for all unmanifested loads. The log shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;
- f. the time; and
- g. the signature of the customer delivering the tires.

B. - F. ...

G Processors shall maintain a complete set of records pertaining to manifested tires or shredded waste tire material coming in or leaving their place of business. This shall include, but is not limited to, manifests, monthly

reimbursement reports, records of all payments from/to end markets, inventory records, logs, any documents related to out-of-state tire activity, and financial records. These records shall be maintained for a period of no less than three years and shall be open for inspection by the administrative authority at all reasonable hours.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 28:1953 (September 2002), LR 29:2780 (December 2003).

§10527. Standards and Responsibilities for Waste Tire Collectors and Collection Centers

A. Receipt of Tires

1. All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10533. All collection center operators shall be responsible for counting the tires in the shipment. The collection center shall report monthly to the administrative authority, due no later than the fifteenth of the following month, the total number of tires received at the facility. These records shall be maintained by the collection center for a minimum of three years and are subject to audit by the administrative authority.

2. Each collection center shall accept no more than five unmanifested tires per day per customer. The collection center shall maintain a log for all unmanifested loads. The log for all unmanifested loads shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;
- f. the time; and
- g. the signature of the customer delivering the tires.

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 29:2780 (December 2003).

§10533. Manifest System

A. All shipments of more than 20 waste tires shall be accompanied by a waste tire manifest provided by the department and executed in accordance with this Section. Tires transported in Louisiana that are not eligible tires, as defined in LAC 33:VII.10505, shall be clearly labeled ineligible on the manifest.

B. - D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the

James H. Brent, Ph.D.
Assistant Secretary

0312#059

RULE

Office of the Governor Division of Administration Board of Cosmetology

Deadline Extension for Applying for Special Permits (LAC 46:XXXI.321, 701, 1103, 1105, 1109, 1111, 1705, 1709)

The Louisiana State Board of Cosmetology, under authority of the Louisiana Cosmetology Act, R.S. 37:561-607, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended certain Rules with regard to licensing of cosmetologists.

The revision is necessitated to correct certain clerical errors and to extend the deadlines for applying for special permits for alternative hair care and shampoo assistant under the grandfather provisions.

There should be no adverse fiscal impact on the state as a result of these revisions. The Louisiana State Board of Cosmetology operates solely on self-generated funds. Further, the Rules have no known impact on family formation, stability or autonomy as described in R.S. 49:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXI. Cosmetologists

Chapter 3. Schools and Students

§321. Responsibilities of Students

A. Students. Students shall not be allowed to perform any professional cosmetology work for which the student does not possess a license, prior to completion of the curriculum, passing the examination administered by the board and receipt of an initial license. Any student found to be in violation of this Rule will forfeit all hours completed in beauty school, and any school knowingly permitting a serious violation of this Section shall be subject to suspension or revocation of its license.

B. Services. Students attending beauty school shall not provide cosmetology services, whether for a fee or not, in any licensed beauty salon or shop or in any premises that is not licensed unless the student possesses a license to perform such services. This regulation applies even though the student's immediate family or the student has an ownership interest in the beauty shop/salon in question. Any student found to be in violation of this Rule will be in jeopardy of losing a portion of their hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 29:2781 (December 2003).

Chapter 7. Safety and Sanitation Requirements

§701. Sanitation Requirements for Cosmetology Salons and Cosmetology Schools

A. - M. ...

N. Tools and Implements. All tools and implements that come in direct contact with a client shall be sterilized, sanitized or disposed of after each use.

O. - P. ...

Q. Blood Spill Kits. Blood spill kits must be available in every salon and in every school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 29:2781 (December 2003).

Chapter 11. Special and Temporary Permits

§1103. Special Permit for Microdermabrasion

A. - B. ...

C. Proof Required. For the purpose of this Section, evidence of practicing esthetics shall be demonstrated by presenting the following:

1. copies of W-2's or 1099's and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 hours per week for at least 48 weeks during a period of one year performing esthetic services; or

C.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended LR 29:2781 (December 2003).

§1105. Special Permit for Alternative Hair Design

A. ...

B. Grandfathering. Notwithstanding the provisions of Subsection A, any person who applies for a special permit to practice alternative hair design on or before March 30, 2004 who satisfactorily demonstrates two years of experience in the practice of alternative hair design shall be issued a permit without the necessity of taking the alternative hair design exam.

C. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 29:2781 (December 2003).

§1109. Special Permit for Shampoo Assistants

A. Shampoo Assistants. Beginning January 1, 2003, a special permit authorizing the performance of shampooing shall be issued to any person who:

1. applies on or before March 30, 2004 and presents evidence to the board of six months of continuous employment as an assistant to a licensed cosmetologist prior to January 1, 2003; or

2. - B. ...

C. Cosmetologists. No person holding a current cosmetology license shall be required to obtain a special permit to shampoo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 29:2781 (December 2003).

§1111. Special Permit for Make-Up Application

A. ...

B. Cosmetologists and Estheticians. No person holding a current cosmetology or esthetics license shall be required to obtain a special permit to apply cosmetic preparations or make-up.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 29:2782 (December 2003).

Chapter 17. Miscellaneous Provisions

§1705. Destruction of Premises

A. Inspection. When any school or salon is made unusable by virtue of storm, fire, flood or any other act of God or by virtue of expropriation proceedings, the premises selected to permanently replace such facility will be inspected without an inspection fee, provided that such facility is replaced within six months of its destruction.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended LR 29:2782 (December 2003).

§1709. Picture Identification

A. All licensees and permittees shall have in their possession a picture identification at any time at which a service is being performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended LR 29:2782 (December 2003).

Saraphia T. Wilson
Executive Director

0312#028

RULE

Department of Health and Hospitals Board of Examiners for Licensed Professional Counselors

Licensure of Licensed Professional Counselors
and Licensed Marriage and Family Therapists
(LAC 46:LX.Chapters 1-47)

The Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1122, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby repeals and adopts certain Rules with regard to licensing of licensed professional counselors and licensed marriage and family therapists.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Licensed Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 1. General Provisions

§101. Statutory Authority

A. The Louisiana Licensed Professional Counselors Board of Examiners was initially created and empowered by Act 892 of the 1987 Legislature to provide regulation of the practice of mental health counseling and provide for the regulation of the use of the title "Licensed Professional Counselor" (R.S. 37:1102). Subsequently Act 1195 of 2001 empowered the Board to provide regulation of marriage and family therapy and the use of the title "Licensed Marriage and Family Therapist" [R.S.37:1102(B)]. Therefore, the Professional Counselors Board of Examiners establishes the rules and regulations herein pursuant to the authority granted to, and imposed upon said board under the provisions of the Louisiana Revised Statutes, Title 37, Chapter 13, R.S. 37:1101-1122.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:128 (February 2003), amended LR 29:2782 (December 2003).

§103. Description of Organization

A. The Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the board, resides in the Department of Health and Hospitals, and consists of ten members, who shall be residents of the state of Louisiana. Each term shall be for four years. The governor shall make seven appointments to the board from a list of qualified candidates submitted by the executive board of the Louisiana Counseling Association. The governor shall make three appointments to the board from a list of candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy. Each appointment by the governor shall be submitted to the senate for confirmation. Board membership shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, three licensed marriage and family therapists, and one individual from the public at large. No board member shall serve more than two full consecutive terms. The professional membership of the board shall be licensed under this Chapter. No board member shall be liable in any civil action for any act performed in good faith in the execution of his duties under Chapter 13 of Title 37.

1. The licensed professional counselor board shall establish a Marriage and Family Therapy Advisory Committee, which shall consist of the three board members appointed by the governor from the list of names submitted by the executive board of the Louisiana Association for Marriage and Family Therapy.

2. The function of the advisory committee shall be established by rules and regulations developed by the advisory committee, promulgated by the board, and approved jointly by the House and Senate Health and Welfare Committee.

3. The functions and duties of the advisory board may include but are not limited to the following:

a. develop rules and regulations in accordance with the Administrative Procedure Act as it may deem necessary to implement the provisions of this Chapter for promulgation and implementation by the board;

b. examine and qualify all applicants for licensure as marriage and family therapists and recommend to the board each successful applicant for licensure, attesting to his professional qualifications to be a licensed marriage and family therapist;

c. develop for the board application forms for licensure pursuant to this Chapter; and

d. maintain complete records of all meetings, proceedings, and hearings conducted by the advisory committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:128 (February 2003), amended LR 29:2782 (December 2003).

§105. Vacancies

A. The governor shall fill, within 30 days, for the remainder of the term, any vacancy occurring in board membership for an unexpired term from a list of qualified candidates as prescribed in Section 1104(C) of R.S. 37:1101-1122.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:128 (February 2003), amended LR 29:2783 (December 2003).

§309. Quorum

A. Six members of the board shall constitute a quorum of the board at any meeting or hearing for the transaction of business and may examine, approve, and renew the license of applicants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), amended LR 29:2783 (December 2003).

Chapter 9. Fees

§901. General

A. The board shall collect the following fees stated in R.S. 37:1106.

1. Application, license and seal	\$200
2. Privileging review for appraisal and other specialty areas	\$100
3. Registration of Supervision	\$100
4. Renewal of license	\$150
5. Late fee for renewal	\$ 50
6. Reissue of license duplicate	\$ 25
7. Name change on records	\$ 25
8. Copy of LPC file	\$ 25
9. Copy of any documents	cost incurred

B. The late fee will be incurred the day after a licensee's designated renewal deadline (no grace period). No part of any fee shall be refundable under any conditions. All fees for

licensing must be paid to the board by certified check or money order. The renewal shall be deemed timely when:

1. the renewal is delivered on or before the due date; or

2. the renewal is mailed on or before the due date. If the renewal is received by mail on the first working day following the due date, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For purpose of this Section, "by mail" applies only to the United States Postal Service.

C. The board may assess and collect fines in an amount not to exceed \$500 for violations of Chapter 9 and Rules promulgated by the board.

D. Senate Concurrent Resolution 104 of the Regular Session of the Louisiana Legislature suspended certain state law provisions relative to continuing education, annual applications, and/or annual payment of licensing fees for individuals on "active military service."

E. Licensees who are placed on active duty status shall immediately notify the board of such status, and provide documentation of same, and shall likewise promptly notify the board, and provide documentation of the cessation of active duty status. Licensees with questions concerning the continued applicability of the resolution should contact the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:136 (February 2003), amended LR 29:2783 (December 2003).

Subpart 2. Professional Standards for Licensed Marriage and Family Therapists

Chapter 27. General Provisions

§2705. Description of Organization

A. The Marriage and Family Therapy Advisory Committee, hereafter referred to as the advisory committee, consists of three members, who shall be residents of the state of Louisiana. All candidates and advisory committee members shall be licensed marriage and family therapists except for the first three members who shall be members of the American Association for Marriage and Family Therapy. These first three advisory committee members shall be eligible for licensure as licensed marriage and family therapists under Title 37, Chapter 13 as soon as these Rules and regulations are approved. The three advisory committee members shall be members of the board.

B. The governor shall make appointments to the board and the advisory committee from a list of qualified candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy, hereinafter referred to as LAMFT. Each appointment by the governor shall be submitted to the Senate for confirmation.

C. Board member terms shall be for four years. No advisory committee member shall serve more than two full consecutive terms.

D. Any vacancy occurring in advisory committee membership, other than by expiration of term, shall be filled for the remainder of the unexpired term by the governor

within 30 days from a list of qualified candidates supplied by the LAMFT board as prescribed in Section 1104 of R.S. 37:1101-1122.

E. No advisory committee member shall be liable in any civil action for any act performed in good faith in the execution of his or her duties under Chapter 13 of Title 37.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:153 (February 2003), amended LR 29:2784 (December 2003).

Chapter 29. Advisory Committee Meetings, Procedures, Records, Powers and Duties

§2911. Records

A. The advisory committee shall maintain records of pertinent matters relating to application, licensure, and discipline. Registers of LMFT-approved supervisors and LMFT-registered supervisor candidates and a register of licensed marriage and family therapists shall be made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 29:154 (February 2003), amended LR 29:2784 (December 2003).

Chapter 31. License of Title for Marriage and Family Therapy

§3105. Definitions for Licensed Marriage and Family Therapists

Advisory Committee? the Marriage and Family Therapy Advisory Committee.

Assessment?

1. the evaluation through the use of systems oriented methods and processes of:
 - a. individual;
 - b. couple;
 - c. family; and
 - d. larger systems;
2. for the purpose of:
 - a. developing treatment plans;
 - b. monitoring psychotherapeutic processes;
 - c. measuring psychotherapeutic progress; and
 - d. measuring psychotherapeutic outcomes;
3. such evaluation may include the use of:
 - a. informal; or
 - b. formal instruments;
4. for which the licensed marriage and family therapist has received:
 - a. appropriate training; and
 - b. supervision in:
 - i. individual settings; and
 - ii. group settings.

Board? the Louisiana Licensed Professional Counselors Board of Examiners

Marriage and Family Therapy? the professional application of psychotherapeutic and family systems theories and techniques in the assessment and treatment of:

1. individuals;
2. couples; and
3. families.

Qualified Supervision? the supervision of the clinical services of an applicant working toward licensure as a licensed marriage and family therapist:

1. in accordance with standards developed by the advisory committee; and

2. by an individual who has been recognized by the advisory committee as an LMFT-approved supervisor or an LMFT-registered supervisor candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:154 (February 2003), amended LR 29:2784 (December 2003).

Chapter 33. Requirements for Licensure

§3303. Definitions

Allied Mental Health Discipline? includes, but may not be limited to, mental health counseling, social work, psychology, psychiatric nursing, and psychiatry.

Applicant? any individual seeking licensure who has submitted an official application and paid the application fee.

Appropriate Graduate Degree? a master's or doctoral degree from a college or university accredited by the Southern Association of Colleges and Schools (SACS), or a comparable accrediting body. If a discipline requires a specific terminal degree, that degree will be considered the appropriate degree.

Client Contact Hour? a 50-minute period a therapist spends working face-to-face with an individual, couple, family, or group.

Direct Client Contact? face-to-face (therapist and client) therapy with individuals, couples, families, and/or groups from a relational perspective. Activities such as telephone contact, case planning, observation of therapy, record keeping, travel, administrative activities, consultation with community members or professionals, or supervision, are not considered direct client contact. Assessments done face-to-face and more than clerical in nature and focus may be counted as direct client contact. Psychoeducation may be counted as direct client contact.

Marriage and Family Therapist Intern or MFT Intern? a person who has earned a qualifying graduate degree and is receiving MFT approved postgraduate supervision.

Recognized Educational Institution? a postgraduate training institute or any regionally accredited educational institution that grants a master's or doctoral degree that meets the standards established by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as determined by the advisory committee or, until June 30, 2003, the standards for marriage and family counseling or therapy established by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) as determined by the ad hoc committee on licensure and supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:155 (February 2003), amended LR 29:2784 (December 2003)

§3307. Specific Licensing Requirements for

Applications Made on or before June 30, 2004

A. On applications postmarked on or before June 30, 2004, the board upon recommendation of the advisory committee shall issue licenses to applicants who meet the requirements in this section.

1. Specific requirements for §3307 may be met in one of four ways:

a. an appropriate graduate degree and two years of supervised clinical experience:

i. the applicant must have an appropriate graduate degree in:

(a). marriage and family therapy; or

(b). an allied mental health discipline; and

ii. have completed, after the receipt of a qualifying degree:

(a). at least two years of supervised clinical experience; and

(b). a minimum of 1000 hours of direct client contact;

(i.) in the practice of marriage and family therapy; or

(ii.) as part of the scope of practice of an allied mental health discipline;

b. persons with appropriate graduate degrees who do not meet the two years of supervised clinical experience may apply to become MFT interns:

i. the minimum of 1000 hours of direct client contact may be met by:

(a). supervised clinical experience obtained in the degree program beyond that required for the degree; and

(b). supervision recommended for approval by the advisory committee;

ii. applicants may not become licensed without two years of post-degree clinical experience;

c. current clinical membership in the Association for Marriage and Family Therapy (AAMFT);

i. verification of such membership sent directly from AAMFT will be accepted as a presumption of having met both the educational and clinical experience required;

d. a valid license from a licensing body that requires standards substantially equivalent to the licensing requirements for licensed marriage and family therapists in Louisiana as specified in Subparagraph A.1.a.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:155 (February 2003), amended LR 29:2785 (December 2003).

§3309. Specific Licensing Requirements for

Applications Made after June 30, 2004

A. For applications postmarked after June 30, 2004, the board upon recommendation of the advisory committee shall issue licenses to applicants who meet the requirements in this section.

1. Summary of Specific Requirements for §3309

a. Academic Requirements

i. A master's or doctoral degree from a marriage and family therapy program that meets the standards established by the Commission on Accreditation for

Marriage and Family Therapy Education (COAMFTE) as determined by the advisory committee in a regionally accredited educational institution or training from a postgraduate training institute that meets the standards established by COAMFTE as determined by the advisory committee; or

ii. until June 30, 2003, a master's or doctoral degree in mental health counseling with a specialization in marriage and family counseling that substantially meets the standards established by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) as determined by the ad hoc committee on licensure and supervision from a regionally accredited educational institution or training from a postgraduate training institute that meets the standards established by CACREP as determined by the ad hoc committee on licensure and supervision; or

iii. an appropriate graduate degree in an allied mental health field from a regionally accredited educational institution with graduate level coursework equivalent to:

(a). a master's degree in marriage and family therapy that meets the standards established by COAMFTE as determined by the advisory committee and specified in §3311 Academic Requirements for Equivalency; or

(i). until June 30, 2003, the standards for marriage and family counseling or therapy established by CACREP as determined by the ad hoc committee on licensure and supervision and specified in §3311. Academic Requirements for Equivalency.

b. Supervision Requirements

i. Applicants must complete a minimum of two years of supervised work experience in marriage and family therapy as specified in §3315 Supervision Requirements after receipt of a qualifying degree.

c. Examination Requirements

i. Applicants must pass the national examination in marriage and family therapy as specified in §3313 Examination Requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:156 (February 2003), amended LR 29:2785 (December 2003).

§3311. Academic Requirements for Equivalency after June 30, 2004

A. General

1. An applicant must have completed a minimum of 48 semester hours or its equivalent of graduate coursework.

2. One course is defined as 3 semester credits, 4 quarter credits, or 45 didactic contact hours (i.e., lecture hours).

3. If titles of academic courses are not self-explanatory, their content and relevance must be substantiated by the applicant through course descriptions in official school catalogs, bulletins, syllabi, or by other means approved by the advisory committee.

4. Undergraduate level courses will not meet academic requirements unless the applicant's official transcript clearly shows that the course was given graduate credit.

5. Only coursework taken for credit and receiving a passing grade will be accepted.

6. Coursework taken outside of a program of studies for which a degree was granted must receive an "A," "B," or "pass."

7. In a postgraduate training program, a minimum of 45 contact hours will be considered equivalent to a 3-hour semester credit course.

8. An applicant who wishes to make up academic deficiencies may propose a plan of additional coursework to the advisory committee.

9. An applicant who has completed a master's degree program in marriage and family therapy or counseling that was accredited by the Council on the Accreditation of Counseling and Related Educational Programs (CACREP) and has a minimum of six graduate courses in Marriage and Family Therapy, will be determined by the Advisory Committee and the Board to have met the equivalency of standards established by the Commission on Accreditation for Marriage and Family Education (COAMFTE).

B. Specific equivalency requirements that meet the standards for marriage and family therapy established by COAMFTE as determined by the advisory committee.

1. Academic Course Content. An applicant with a graduate degree in an allied mental health field must have coursework in each of the following areas (one course equals three semester hours).

a. Theoretical Knowledge of Marriage and Family Therapy? a minimum of two courses.

i. Courses in this area shall contain such content as the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy and will be related conceptually to clinical concerns. Students will be able to conceptualize and distinguish the critical epistemological issues in the profession of marriage and family therapy. Materials covered will provide a comprehensive survey and substantive understanding of the major models of marriage, couple, and family therapy.

b. Clinical Knowledge of Marriage and Family Therapy? a minimum of four courses.

i. Courses in this area shall contain such content as:

(a). couple and family therapy practice and be related conceptually to theory;

(b). contemporary issues, which include but are not limited to gender, violence, addictions, and abuse, in the treatment of individuals, couples, and families from a relational/systemic perspective;

(c). a wide variety of presenting clinical problems;

(d). issues of gender and sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice;

(e). diversity and discrimination as it relates to couple and family therapy theory and practice.

c. Assessment and Treatment in Marriage and Family Therapy? a minimum of two courses.

i. Courses in this area shall contain such content from a relational/systemic perspective as:

(a). psychopharmacology;

(b). physical health and illness;

(c). traditional psychodiagnostic categories; and

(d). the assessment and treatment of major mental health issues. One course must be in psychopathology.

d. Individual, Couple, and Family Development? a minimum of one course.

i. Courses in this area shall contain such content as individual, couple, and family development across the lifespan.

e. Professional Identity and Ethics? a minimum of one course

i. Courses in this area shall contain such content as:

(a). professional identity, including professional socialization, scope of practice, professional organizations, licensure, and certification;

(b). ethical issues related to the profession of marriage and family therapy and the practice of individual, couple, and family therapy. A generic course in ethics does not meet this standard;

(c). the AAMFT Code of Ethics, confidentiality issues, the legal responsibilities and liabilities of clinical practice and research, family law, record keeping, reimbursement, and the business aspects of practice;

(d). the interface between therapist responsibility and the professional, social, and political context of treatment.

f. Research? a minimum of one course.

i. Courses in this area shall include significant material on research in couple and family therapy; focus on content such as research methodology, data analysis and the evaluation of research, and include quantitative and qualitative research.

g. Additional Learning? a minimum of one course.

i. Courses in this area will augment students' specialized interest and background in individual, couple, and family therapy and may be chosen from coursework offered in a variety of disciplines.

2. Supervised Clinical Practicum? 500 supervised direct client contact hours with 100 hours of face-to-face supervision. At least 250 of these hours will be with couples or families present in the therapy room.

a. The training of the supervisor must be equivalent to that of an AAMFT approved supervisor or AAMFT supervisor candidate.

b. If a student is simultaneously being supervised and having direct client contact, the time may be counted as both supervision time and direct client contact time.

C. Until June 30, 2003, specific equivalency requirements that meet the standards for marriage and family counseling/therapy established by CACREP as determined by the committee on mental health counseling licensure/supervision for the advisory committee.

1. Academic Course Content. To fulfill the CACREP requirements of the academic component for eligibility, the applicant must have completed a minimum of four courses from the following areas.

a. Foundations of Marital, Couple, and Family Counseling/Therapy:

i. the history of marital, couple, and family counseling/therapy including philosophical and etiological premises that define the practice of marital, couple, and family counseling/therapy;

ii. the structure and operations of professional organizations, preparation standards, and credentialing bodies pertaining to the practice of marital, couple, and family counseling/therapy (e.g., the International Association of Marriage and Family Counselors);

iii. the ethical and legal considerations specifically related to the practice of marital, couple, and family counseling/therapy (e.g., the *ACA* and *IAMFC Code of Ethics*);

iv. the implications of professional issues unique to marital, couple, and family counseling/therapy including recognition, reimbursement, and right to practice;

v. the role of marital, couple, and family counselors/therapists in a variety of practice settings and in relation to other helping professionals; and

vi. the role of racial, ethnic, and cultural heritage, nationality, socioeconomic status, family structure, age, gender, sexual orientation, religious and spiritual beliefs, occupation, physical and mental status, and equity issues in marital, couple, and family counseling/therapy.

b. Contextual Dimensions of Marital, Couple, and Family Counseling/Therapy:

i. marital, couple, and family life cycle dynamics, healthy family structures, and development in a multicultural society, family of origin and intergenerational influences, cultural heritage, socioeconomic status, and belief systems;

ii. human sexuality issues and their impact on family and couple functioning, and strategies for their resolution; and

iii. societal trends and treatment issues related to working with diverse family systems (e.g., families in transition, dual-career couples, and blended families).

c. Knowledge and skill requirements for marital, couple, and family counselor/therapists:

i. family systems theories and other relevant theories and their application in working with couples and families, and other systems (e.g., legal, legislative, school and community systems) and with individuals;

ii. interviewing, assessment, and case management skills for working with individuals, couples, families, and other systems; and implementing appropriate skill in systemic interventions;

iii. preventive approaches for working with individuals, couples, families, and other systems such as pre-marital counseling, parenting skills training, and relationship enhancement;

iv. specific problems that impede family functioning, including issues related to socioeconomic disadvantage, discrimination and bias, addictive behaviors, person abuse, and interventions for their resolution; and

v. research and technology applications in marital, couple, and family counseling/therapy.

2. The supervised CACREP clinical practice must include:

a. a 100-hour practicum, of which 40 hours must be direct client contact; and

b. a 600-hour internship, of which 240 hours must be direct hour contact. The requirements for this internship are:

i. it must occur in a counseling setting, under the clinical supervision of a site supervisor;

ii. direct service clock hours are defined as work with couples, families, and individuals from a systems perspective;

iii. at least half the direct service clock hours must be with couples and family units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:156 (February 2003), amended LR 29:2785 (December 2003).

§3315. Supervision Requirements

A. General Provisions

1. Applicants who apply before June 30, 2004, who meet the degree requirements but do not meet the experience requirements and applicants who apply after June 30, 2004, who meet the degree requirements must successfully complete two years of work experience in marriage and family therapy under qualified supervision in accordance with COAMFTE supervision standards as described in this section.

B. Definitions for Supervision

Co-Therapy Supervision? supervision outside the session on cases in which the supervisor is a co-therapist.

Consultation? a voluntary relationship between professionals of relative equal expertise or status wherein the person being consulted offers his/her best advice or information on an individual case or problem for use by the person asking for assistance. The consultant has no functional authority over the person asking for assistance, no legal or professional accountability for either the services performed or the welfare of the client. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements.

Group Supervision? face-to-face supervision of more than two MFT Interns and no more than six MFT Interns per group regardless of the number of supervisors. Group supervision provides the opportunity for the supervisees to interact with other supervisees and offers a different learning experience than that obtained from individual supervision.

Individual Supervision? face-to-face supervision of one or two individuals by one supervisor.

LMFT-Approved Supervisor? an individual who has met requirements and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing. The supervisor is responsible for the delivery of services, the representation to the public of services, and the supervisor/supervisee relationship.

LMFT-registered Supervisor Candidate? an individual under the supervision of an LMFT-approved supervisor for the purpose of qualifying as an LMFT-approved supervisor.

Live Supervision? supervision (individual and/or group) in which the supervisor directly observes the case while the therapy is being conducted and has the opportunity to provide supervisory input during the session. When a supervisor conducts live supervision the time is counted as

individual supervision for up to two interns providing therapy in the room with the client(s) and for up to two interns observing the therapy and interacting with the supervisor. The time is counted as group supervision when more than two MFT interns involved in direct client contact or more than two observers interacting with the supervisor are present, providing that there are no more than six interns involved.

MFT Intern? a individual who has been recommended by the LMFT Advisory Committee and approved by the Board for supervision by an LMFT-approved supervisor.

Qualified Supervision? supervision of the clinical services of an MFT intern by an LMFT-approved supervisor or LMFT-registered supervisor candidate recommended by the MFT Advisory Committee and approved by the Board.

Supervision? the professional relationship between a supervisor and supervisee that promotes the development of responsibility, skill, knowledge, and ethical standards in the practice of licensed marriage and family therapy. In addition to monitoring the MFT intern's supervised interaction with clients, the supervisor provides regular, face-to-face guidance and instruction. Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes, and direct observation.

Registered Candidate for LMFT-approved Supervisor Plan? a written agreement on a form required by the advisory committee that establishes the supervisory framework for supervision of a licensed marriage and family therapist who is training to become an LMFT approved supervisor.

Supervised Experience Plan? a written agreement on a form required by the advisory committee that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

Work Experience? includes direct client contact and activities such as telephone contact, case planning, observation of therapy, record keeping, travel, administrative activities, consultation with community members or professionals, or supervision,

C. Supervision Requirements for Licensure

1. After receipt of a qualifying degree an applicant must complete a minimum of two years of work experience in marriage and family therapy that includes at least three thousand hours of clinical services to individuals, couples, or families.

a. At least 2000 hours of these hours must be direct clinical services.

b. The remaining 1000 hours may come from related experiences that may include but are not limited to workshops, public relations, writing case notes, consulting with referral sources, etc.

c. Supervisees should apply systemic theories and treatment with all clients and make every effort to work with as many couples and families as possible.

2. The required supervision must include at least 200 hours of supervision, of which at least 100 hours must be individual supervision. Up to 100 hours of supervision received during a graduate program that can be documented as systemic may be counted toward the 200 hours.

3. The work experience shall be obtained over not less than two years.

4. After the supervision plan is submitted and fees are paid, the board upon recommendation of the advisory committee will approve supervisors before supervision begins. Supervision hours may not be counted until after approval. Approval of a supervised experience plan does not mean that the supervised experience when completed will be automatically approved.

5. To meet the requirements of the supervised clinical experience, the supervisee must:

a. meet face-to-face with the supervisor for sustained and intense learning customarily for one hour per 10 hours of client contact, with once every other week, the minimum, and three times a week ordinarily the maximum;

b. file with the advisory committee a supervised experience plan as defined in §3315.B. Definitions for Supervision.

6. It is recommended that the supervisory experience include sequentially at least two supervisors with diverse family therapy orientations, such as, but not limited to, narrative, MRI, Bowenian, structural, strategic, behavioral, or solution focused.

7. The following are not acceptable as approved supervision:

a. peer supervision (supervision by a person of equivalent, rather than superior, qualifications, status and experience);

b. supervision by current or former family members (such as parents, spouse, former spouse, siblings, children, cousins, present or former in-laws, aunts, uncles, grandparents, grandchildren, step-children), anyone sharing the same household, employees, or any other person where the nature of the personal relationship prevents or makes difficult the establishment of a professional relationship. For purposes of this rule, a supervisor shall not be considered an employee of the supervisee if the only compensation received by the supervisor consists of payment for actual supervisory hours;

c. administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management rather than the clinical supervision of the quality of therapy given to clients);

d. a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop, or seminar;

e. consultation, staff development, or orientation to a field program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.

D. Qualifications of an LMFT-approved Supervisor and an LMFT-registered Supervisor Candidate

1. Supervision not provided by an LMFT-approved supervisor or an LMFT-registered supervisor candidate as determined by the advisory committee will not be counted toward licensure.

2. A supervisor may not have more than a combined total of 10 supervisees, including MFT interns and interns in other disciplines and/or registered supervisor candidates at the same time.

3. A person who wishes to become an LMFT-approved supervisor must be a licensed marriage and family therapist and must submit a completed application

that documents that he or she meets the requirements in one of two ways.

a. The applicant may meet the requirements by meeting the following requirements.

i. Coursework requirements:

(a). a one-semester graduate course in marriage and family therapy supervision from a regionally accredited institution; or

(b). an equivalent course of study consisting of a 15-hour didactic component and a 15-hour interactive component in the study of marriage and family therapy supervision approved by the advisory committee. The interactive component must include a minimum of four persons.

ii. Experience requirements:

(a). has at least two years experience as a licensed Marriage and Family therapist.

iii. Supervision of Supervision

(a). Before June 30, 2005, an applicant must have 36 hours of supervision of supervision for marriage and family therapy from a person considered to be a qualified supervisor by the advisory committee.

(b). Before June 30, 2005, applicants with a degree in marriage and family therapy or its equivalent as determined by the advisory committee who meet the requirements in Clauses i. and ii. in this Subparagraph will not be required to obtain the 36 hours of supervision of supervision.

(c). After June 30, 2005, supervision of supervision must be taken from an LMFT-approved supervisor.

b. Designation as an AAMFT Approved Supervisor qualifies a person to become an LMFT approved supervisor. Documentation must be submitted and recommended by the advisory committee for Board approval.

4. LMFT-Registered Supervisor Candidate

a. A person who wishes to become an LMFT-registered supervisor candidate must submit an application provided by the board upon recommendation of the advisory committee that:

i. includes documentation that he has at least two years experience as a Licensed Marriage and Family Therapist;

ii. either documents that he or she has met the coursework and interactional requirement specified in Clause D.3.a.i. or proposes how this requirement shall be met;

iii. includes the name of the LMFT-approved supervisor who will be supervising his or her supervision of MFT interns and the approximate dates such supervision will begin and end.

b. The advisory committee will review the application and inform the individual in writing that the proposed supervision of supervision arrangement either has been approved or rejected. Any rejection letter will outline the reasons for rejection.

c. An advisory committee member cannot participate in deliberations or votes on any applicant who has been supervised by that advisory committee member.

d. Upon completion of the required hours of supervision of supervision, the registered supervisor

candidate must submit an application to become an LMFT approved supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2785 (December 2003).

Chapter 35. Renewal of License

§3501. General Provisions

A. Licenses shall be renewed every two years. The licensee shall submit an application form and payment of the renewal fee. Renewals must be postmarked no later than December 31. Upon approval by the advisory committee, the board shall issue a document renewing the license for two years.

B. A license not renewed shall lapse December 31. To renew a lapsed license, the licensee must pay all fees in arrears and provide documentation of the continuing education requirements. A lapsed license not renewed within two years will expire and the individual must re-apply under the current Rules for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), amended 29:2787 (December 2003).

§3503. Continuing Education Requirements

A. General Guidelines

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two years.

2. One continuing education unit (CEU) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. Continuing education hours accrued beyond the required 40 clock hours may not be applied toward the next renewal period. Renewal periods run from January 1 to December 31

5. The licensee is responsible for keeping a personal record of his/her continuing education hours until official notification of renewal is received. Do not forward documentation of continuing education hours to the board office as they are accrued.

6. At the time of renewal 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met. Licensees audited will be requested by letter to submit documentation as specified in §3503.B of their continuing education hours.

7. Licensees will be asked in the renewal application to note any changes in areas of expertise. The advisory committee, at its discretion, may require the licensee to present satisfactory documentation supporting these changes.

8. A licensee must accrue three clock hours of training in ethics that specifically addresses ethics for licensed marriage and family therapy as defined in Subparagraph C.3.e every renewal period. A generic ethics class will not be acceptable.

9. Those licensed marriage and family therapists who hold another license that requires continuing education hours

may count the continuing education hours obtained for that license toward their LMFT CEU requirements. Of the 40 CEU's submitted, however, 20 hours must be in the area of marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of systemic psychotherapeutic work with couples or families including three hours of ethics specific to marriage and family therapy.

10. The approval of and requirements for continuing education are specified in Subsection C.

B. Types of documentation needed for continuing education audit:

1. copy of certificate of attendance for workshops, seminars, or conventions;

2. copy of transcript for coursework taken for credit/audit;

3. letter from workshop/convention coordinator verifying presentation;

4. copy of article plus the table of contents of the journal it appears in, copy of chapter plus table of contents for chapter authored for books, title page and table of contents for authoring or editing books, letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

C. Approved Continuing Education for Licensed Marriage and Family Therapists

1. Continuing education requirements are meant to ensure personal and professional development throughout an individual's career.

2. An LMFT may obtain the 40 clock hours of continuing education through the options listed. All continuing education hours may be obtained through Subparagraph a or 20 of the 40 hours may be obtained through Subparagraph b:

a. Direct participation in a structured educational format as a learner in continuing education workshops and presentations or in graduate coursework (either for credit or audit).

i. The advisory committee will accept workshops and presentations approved by the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers graduate coursework either taken for credit or audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in Paragraph C.3.

ii. Licensees may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be given to persons who leave early from an approved session or to persons who do not successfully complete graduate coursework.

iii. Continuing education taken from organizations, groups, or individuals not holding provider status by one of the associations listed in Clause i. will be subject to approval by the advisory committee at the time of renewal.

(a). The advisory committee will not pre-approve any type of continuing education.

(b). The continuing education must be in one of the seven approved content areas listed in §3503.C and given by a qualified presenter.

(c). A qualified presenter is someone deemed by the advisory committee to be a professional in marriage and family therapy, another mental health profession, or another profession with information, knowledge, and skills relevant to the practice of marriage and family therapy.

(d). One may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner.

(e). Credit cannot be granted for business/governance meetings; breaks; and social activities including meal functions, except for the actual time of an educational content speaker.

(f). Credit may not be given for marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound educational principles or for content contrary to the LMFT Code of Ethics (Chapter 43).

b. Optional Ways to Obtain Continuing Education (20 Hours Maximum)

i. Licensees may receive one clock hour of continuing education for each hour of direct work in:

(a). teaching a marriage and family therapy course (10 hours maximum) in an area as described in Paragraph C.3 in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the individual teaches the course, or

(b). authoring, editing, or reviewing professional manuscripts or presentations (10 hours maximum) in an area of marriage and family therapy as described in Paragraph C.3. Articles must be published in a professional refereed journal.

ii. Presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in Paragraph C.3 may count for up to 10 hours maximum at a rate of two clock hours per one-hour presentation. Presenters must meet the qualifications stated in Subparagraph 2.a. The presentation must be to the professional community, not to the lay public or a classroom presentation.

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following seven areas.

a. Theoretical Knowledge of Marriage and Family Therapy. Continuing education in this area shall contain such content as the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy and will be related conceptually to clinical concerns.

b. Clinical Knowledge of Marriage and Family Therapy: Continuing education in this area shall contain such content as:

i. couple and family therapy practice and be related conceptually to theory;

ii. contemporary issues, which include but are not limited to gender, violence, addictions, and abuse, in the

treatment of individuals, couples, and families from a relational/systemic perspective;

- iii. a wide variety of presenting clinical problems;
- iv. issues of gender and sexual functioning, sexual orientation, and sex therapy as they relate to couple, marriage and family therapy theory and practice;
- v. diversity and discrimination as it relates to couple and family therapy theory and practice.

c. Assessment and Treatment in Marriage and Family Therapy. Continuing education in this area shall contain such content from a relational/systemic perspective as psychopharmacology, physical health and illness, traditional psychodiagnostic categories, and the assessment and treatment of major mental health issues.

d. Individual, Couple, and Family Development. Continuing education in this area shall contain such content as individual, couple, and family development across the lifespan.

e. Professional Identity and Ethics in Marriage and Family Therapy. Continuing education in this area shall contain such content as:

- i. professional identity, including professional socialization, scope of practice, professional organizations, licensure and certification;
- ii. ethical issues related to the profession of marriage and family therapy and the practice of individual, couple and family therapy. Generic education in ethics does not meet this standard;
- iii. the AAMFT Code of Ethics, confidentiality issues, the legal responsibilities and liabilities of clinical practice and research, family law, record keeping, reimbursement, and the business aspects of practice;
- iv. the interface between therapist responsibility and the professional, social, and political context of treatment.

f. Research in Marriage and Family Therapy. Continuing education in this area shall include significant material on research in couple and family therapy; focus on content such as research methodology, data analysis and the evaluation of research, and include quantitative and qualitative research.

g. Supervision in Marriage and Family Therapy: Continuing education in this area include studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), amended LR 29:2789 (December 2003).

§4720. Appendix? Statement of Practice for Licensed Marriage and Family Therapists

A. Each licensed marriage and family therapist/MFT intern in Louisiana shall write a statement of practice incorporating the following information to provide to all clients. Licensed marriage and family therapists also licensed in other mental health professions may need to add additional information required by that licensure. This statement is subject to review and approval by the advisory committee. Sample statements of practice are available from the board office.

1. Your name, mailing address, and telephone number.
2. Qualifications:
 - a. degrees earned and institution(s) attended;
 - b. your LMFT licensure number, noting that the Board of Examiners is the grantor of your license. Include the address and telephone number of the board;
 - c. other licensure numbers, including the name, address, and telephone number of the grantor;
 - d. an MFT intern must use this title and include the name and address of his/her approved supervisor and a brief explanation of how supervision affects the therapy provided.
3. Specify the type(s) of clients you serve.
4. Specialty Areas
 - a. List your specialty areas such as family of origin, parenting, stepfamilies, adolescents, marriage, etc.
 - b. List your national certifications.
5. What Clients Can Expect from Therapy
 - a. Briefly describe the theoretical orientation and the type of techniques and/or strategies that you use in therapy.
 - b. Briefly describe your philosophical view of therapy, including clients' input for treatment plans.
 - c. Briefly describe your general goals and objectives for clients.
6. Note Any Expectations that You Have for Clients
 - a. Clients are expected to inform you before and during the therapy about seeing another mental health professional or professional in another discipline because of the possible impact upon therapy.
 - b. Clients are expected to inform you on their intake form and during therapy of their general physical health, any medical treatments that may impact their therapy and any medications that they are taking.
 - c. You are required to include that clients must make their own decisions regarding such things as deciding to marry, divorce, separate, reconcile, and how to set up custody and visitation; that is, you may help them understand the consequences of various decisions, but your code of ethics does not allow you to advise a specific decision.
7. Code of Ethics
 - a. State that you are required by state law to adhere to The Louisiana Code of Ethics for Licensed Marriage and Family Therapists; and
 - b. that a copy is available on request;
 - c. you might want to specifically note some of the provisions in the Code of Ethics that you would like clients to be aware of;
8. Describe the Rules governing privileged communication for Licensed Marriage and Family Therapists. You may use your own language, but need to cover all the areas included in the Sample Statement and 8 (a-c).
 - a. Include instances where confidentiality may be waived. This includes, but is not limited to danger to self or others, suspected child abuse/neglect, elderly abuse/neglect, or disabled adult abuse/neglect.
 - b. Include the information that when providing couple, family or group treatment, a licensed marriage and family therapist cannot:

RULE

**Department of Health and Hospitals
Board of Examiners for Sanitarians**

**Rules Restructure and Continuing Education Requirements
(LAC 46:LXXI.Chapters 1-23)**

In accordance with the specific rulemaking authority granted under R.S. 37:2105(C) by Act 807 of the 2001 Regular Session, the Board of Examiners for Sanitarians hereby enacts minimum continuing education requirements for renewal of a sanitarian's license. Under the general rulemaking authority granted under R.S. 37:2104, the board enacts and/or amends certain sections of LAC 46:LXXI for the efficient operation of the board. Finally, the board restructured LAC 46:LXXI for topical arrangement purposes. The table below shows the former and the new placement of each Chapter, Section, Subsection, and/or Paragraph, etc., that was moved.

Former Placement	(New) Proposed Placement
N/A	LAC 46:LXXI.Chapter 1
LAC 46:LXXI.Chapter 1	LAC 46:LXXI.Chapter 3
LAC 46:LXXI.105.C	LAC 46:LXXI.305.C
LAC 46:LXXI.105.D (1st sentence)	LAC 46:LXXI.1301.C
LAC 46:LXXI.105.D (2nd sentence)	LAC 46:LXXI.501.B
LAC 46:LXXI.Chapter 3	LAC 46:LXXI.Chapter 5
LAC 46:LXXI.Chapter 5	LAC 46:LXXI.Chapter 9
LAC 46:LXXI.501.A	LAC 46:LXXI.901.B
LAC 46:LXXI.501.B	LAC 46:LXXI.901.C
LAC 46:LXXI.501.C	LAC 46:LXXI.901.D
LAC 46:LXXI.501.D	LAC 46:LXXI.901.E
LAC 46:LXXI.Chapter 7	LAC 46:LXXI.Chapter 11
LAC 46:LXXI.701.A	LAC 46:LXXI.1101.D
LAC 46:LXXI.703.B	LAC 46:LXXI.1101.A.1
LAC 46:LXXI.Chapter 9	LAC 46:LXXI.Chapter 7
LAC 46:LXXI.Chapter 11	LAC 46:LXXI.Chapter 13
LAC 46:LXXI.1101.C (1st sentence)	LAC 46:LXXI.901.A
LAC 46:LXXI.1101.C (2nd sentence)	LAC 46:LXXI.501.A (2nd sentence)
LAC 46:LXXI.1301	LAC 46:LXXI.1501
LAC 46:LXXI.1303	LAC 46:LXXI.1703
LAC 46:LXXI.1501.A	LAC 46:LXXI.1901.A
LAC 46:LXXI.1501.B	LAC 46:LXXI.1901.B
LAC 46:LXXI.1501.C.1-8	LAC 46:LXXI.305.D.1-8
LAC 46:LXXI.1501.D	LAC 46:LXXI.305.D.9
LAC 46:LXXI.1501.E	LAC 46:LXXI.305.D.10
N/A	LAC 46:LXXI.305.D.11
N/A	LAC 46:LXXI.Chapter 21
N/A	LAC 46:LXXI.Chapter 23

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LXXI. Sanitarians**

Chapter 1. Definitions

§101. Definitions

A. Unless otherwise specifically provided herein, the following words and terms used in this Part are defined for the purposes thereof as follows.

i. disclose any information outside the treatment context without a written authorization from each individual competent to execute a waiver; and

ii. may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

c. If you audio- or video-tape sessions, include information specific to their use.

d. See Chapter 39 and the Code of Ethics in the Appendix for Rules on privileged communication.

9. State your policy for emergency client situations.

10. Fees, Office Procedures, Insurance Policies

a. List your fees and describe your billing policies.

b. State your policy on insurance payments.

c. Describe your policy on payments, scheduling and breaking appointments, etc.

11. Adequately inform clients of potential risks and benefits of therapy. You may use your own language and are not required to use the examples given in a-f:

a. clients may realize that they have additional issues that they were not aware of before the therapy as a result of the therapy;

b. making changes through therapy may bring about unforeseen changes in a person's life;

c. individual issues may surface for each spouse as clients work on a marital relationship;

d. making changes in communication and/or ways of interacting with others may produce adverse responses from others;

e. marital or family conflicts may intensify as feelings are expressed;

f. individuals in marital or family therapy may find that spouses or family members are not willing to change.

12. Briefly add any additional information that you believe is important for your clients to be informed about your qualifications and the therapy that you provide.

13. End with a general statement indicating that the client(s) have read and understand the statement of practice, providing spaces for the date, client(s)' signatures, and your signature. MFT Interns need to have a line for their LMFT-approved supervisor's signature.

B. Provide clients with a copy or copies of the signed statement of practice.

C. A Licensed Marriage and Family Therapist/MFT Intern must have a copy of his/her statement of practice on file in the board office. An MFT Intern must include a copy of his/her statement of practice with his/her Registration of Supervision. The Code of Ethics can be duplicated for clients and additional copies are available at www.lpcboard.org or from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:172 (February 2003), amended LR 29:2791 (December 2003).

Brenda Roberts, EdD, LPC,
LMFT
Board Chair

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Active Registered Sanitarian? any registered sanitarian who is actively carrying out inspectional, educational, and investigational duties in the field of environmental sanitation, or who actively serves as a consultant, supervisor, or administrator of programs and personnel involving such duties.

Board? the Louisiana State Board of Examiners for Sanitarians as created by R.S. 37:2102.

Contact Hour? one clock hour of continuing education in an approved educational experience approved by the board or 0.1 CEU in an approved educational experience approved by the board.

Continuing Education Unit (CEU)? a value provided by some agencies, such as, but not limited to, the Centers for Disease Control (CDC) or the Food and Drug Administration (FDA), which is based on an estimated amount of time spent studying the course material and taking the test provided (if any) by such agency. For the purposes of this Part, one CEU is equivalent to 10 contact (clock) hours.

Inactive Registered Sanitarian? a sanitarian who at one time was an *active registered sanitarian* but now no longer possesses a valid sanitarian license and pays no fees to the board. For example, a sanitarian who is retired or otherwise not working as an *active registered sanitarian*.

Provisional License Status? a type of warning license issued by the board for disciplinary reasons which requires a cure to return to full licensure status. An example for the cause of issuance include, but is not limited to, failure to obtain the minimum required continuing education *contact hours* required by the board.

Registered Sanitarian? a sanitarian that possesses a valid sanitarian license issued by the board under the provisions of Chapter 23 of Title 37 of the Louisiana Revised Statutes and this Part and whose name is listed on a register maintained by the board.

Sanitarian? a person who carries out inspectional, educational, and investigational duties in the field of environmental sanitation, or who serves as a consultant, supervisor, or administrator of programs and personnel involving such duties.

Temporary Sanitarian? any person who has applied for and received an educational review by the board and has been issued a *temporary sanitarian* permit pending:

- a. the taking and successful completion of a written and oral examination to be administered by the board;
- b. the successful completion of a training course in sanitation; and
- c. a minimum of one year of field experience under the supervision of a *registered sanitarian*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1144 (December 1985), amended and repromulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2792 (December 2003).

Chapter 3. General Provisions

§301. Meetings of the Board

A. Regular business meetings of the board shall be held at the place so designated by the chairman.

B. There shall be a minimum of two regular meetings of the board each calendar year with one meeting in the spring and one in the fall.

C. The fall meeting shall be the annual meeting.

D. Special meetings may be called by the chairman whenever, in his opinion, such a meeting is necessary for the efficient operation of the board.

E. At least 10 days notice shall be given each member of the board prior to the date of the meeting, except in emergencies.

F. Four members of the board shall constitute a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1144 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2793 (December 2003).

§303. Officers of the Board

A. The officers of the board shall be elected at each annual meeting.

B. The term of the officers shall be for one year.

C. Officers may be reelected for additional terms.

D. The officers shall consist of a chairman, vice-chairman, and secretary.

E. The secretary shall serve as treasurer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1144 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2793 (December 2003).

§305. Duties of the Officers

A. The chairman shall preside at all meetings. He shall appoint all committees and perform all other duties pertaining to his office.

B. The vice-chairman shall preside in the absence of the chairman.

C. In the absence of the chairman and vice-chairman, the secretary shall preside.

D. The secretary shall:

1. keep all records of the meetings and shall submit copies of the minutes of such meetings to each board member within 30 days of the meeting;

2. maintain a correct register of all sanitarians who are duly licensed and registered with the board;

3. purchase all necessary supplies and perform all other duties necessary for the efficient operation of his office;

4. maintain a depository account in the name of the Louisiana State Board of Examiners for Sanitarians, and deposit therein all monies paid into the board, keeping a correct record of such funds in ledgers and journals furnished by the board;

5. pay all bills authorized and/or contracted for, by the board, keeping proper and correct record of all such disbursements. These records shall be subject to auditing by the state auditor;

6. issue temporary licenses pending the conducting of examinations to applicants who appear to have the necessary qualifications;

7. send copies of the minutes of each meeting to each registered sanitarian, within 60 days of the date of the meeting;

8. send copies of tentative agenda to all board members at least 10 days prior to each regular meeting;

9. select a depository for the deposit of funds received by the board;

10. ensure that checks for the disbursements of all such funds be signed by the vice-chairman and countersigned by the secretary;

11. submit photocopies of the checkbook register at all regularly scheduled board meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2793 (December 2003).

§307. Amendments to the Bylaws

A. Bylaws may be amended at any regular or special meeting, by a majority vote of the members provided that each member of the board be notified of the proposed amendment at least 10 days prior to the effective date of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

Chapter 5. Application

§501. Submitting Application for Examination

A. Any person aspiring to become a licensed sanitarian in the state of Louisiana, must submit an application, applicable fee and official transcript to the board. Applications are available from the regional sanitarian of the Office of Public Health or the board.

B. An applicant must notify the board of his place of employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2105, R.S. 37:2106, R.S. 37:2107, R.S. 37:2109.1, and R.S. 37:2111.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1145 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

§503. Deposit of Examination Fee

A. The board shall require from each applicant the appropriate transcript review fee.

B. The transcript review fee shall be retained by the board even though the applicant is found not to be qualified for a temporary sanitarian permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2107, and R.S. 37:2109.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

Chapter 7. Temporary Permits

§701. Qualifications

A. Pursuant to R.S. 37:2106, the board shall issue temporary permits to sanitarians who qualify under the requirements of R.S. 37:2111. However, nothing therein shall be construed as to prohibit the board from issuing a temporary permit based upon educational requirements only if the applicant is otherwise required to obtain a minimum of one year of field experience, including the successful completion of a training course in sanitation, within one year of temporary permit issuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2106, R.S. 37:2110, and R.S. 37:2111.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1145 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

§703. Effective Period

A. Each temporary permit issued shall be valid for a period not to exceed one year for non-practicing sanitarians. For non-practicing sanitarians, a temporary permit may be renewed upon receipt of a written request and applicable fee payment.

B. For practicing sanitarians, a temporary permit may be renewed upon receipt of a written request and applicable fee; however, if the applicant was required to obtain a minimum of one year of field experience, including the successful completion of a CDC training course in sanitation, within the first year of the initial temporary permit issuance, issuance of any subsequent temporary permits shall be prohibited until these requirements have been met.

C. Practicing sanitarians shall be required to complete all requirements for the license (as per §1101.A of this Part) within 18 months from date of employment.

D. For practicing sanitarians who have obtained a minimum of one year of field experience, including the successful completion of a CDC training course in sanitation, yet fails to pass the written and/or oral examination administered by the board within 18 months from date of employment, his/her temporary permit to work as a sanitarian may be renewed for a total of only three times. Said applicant will be given the opportunity to pass the examination at the subsequent two examination periods as set by the board. The temporary permit shall automatically become null and void if the applicant fails the board administered examination three times. Since the applicant will no longer hold a temporary permit, he/she will not be allowed to continue to perform the duties of a sanitarian. The applicant will not be eligible to receive another temporary permit or take another board administered examination for a minimum of 12 consecutive months following the date of the last examination taken by the applicant.

E. Once an applicant has met all the requirements and is issued a license to practice as a registered sanitarian, any temporary permit previously held by him/her automatically becomes null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2106, R.S. 37:2110, and R.S. 37:2111.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1145 (December 1985), amended and repromulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

§705. Temporary Permit Fees

A. The board shall assess and collect a fee for an education/transcript review, including issuance of a temporary permit upon the board finding the applicant meets the required qualifications.

B. The board shall assess and collect a fee for renewal of temporary permit.

C. The board shall assess and collect a fee for reinstatement of delinquent temporary renewal.

D. The board shall assess and collect a penalty for late payment of renewal of temporary permit fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2109.1, and R.S. 37:2111.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1145 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2794 (December 2003).

Chapter 9. Examinations

§901. Examinations

A. All prospective examinees must successfully complete a Centers for Disease Control's homestudy sanitation course approved by the board which constitutes a prerequisite to the examination.

B. The board shall:

1. examine all qualified applicants for a license to practice as a sanitarian, the examination to consist of a written and oral examination;

2. prepare such examinations and select or appoint individuals to conduct the examinations, provided that at least two sanitarian members of the board shall be present to assist in the conduct of the examination.

C. The board may:

1. waive the written examination of sanitarians holding sanitarians licenses under the laws of other states, provided a written examination has been taken in that state by the applicants, and also providing that applicants meet qualification requirements of Chapter 19 of this Part;

2. waive the written examination of persons who have successfully passed federal or national sanitarian examinations, approved by the board.

D. The waiver of written examinations as provided in §901.C of this Part does not exempt the applicant from taking the oral examination or from the payment of the examination fee.

E. The examination shall be offered at least twice a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2105, R.S. 37:2106 and R.S. 37:2109.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1146 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2795 (December 2003).

Chapter 11. Licenses

§1101. Requirements

A. To obtain a license, the temporary permit holder shall, within 18 months of the date of employment, have successfully completed:

1. one year of field experience in environmental health acceptable to the board;

2. a Centers for Disease Control (CDC) course in sanitation approved by the board; and

3. a written and oral sanitarian examination administered by the board.

B. The field experience required under §1101.A.1 of this Part shall be performed only under the supervision and direction of licensed sanitarians.

C. For the written and oral examinations required under §1101.A.3 of this Part, the applicant must make a minimum score of 70 on each to pass.

D. When an applicant has successfully met all of the requirements of Section 1101.A, he shall be issued a license to practice as a sanitarian in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2105, R.S. 37:2106, R.S. 37:2107, and R.S. 37:2110.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1146 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2795 (December 2003).

§1103. Failure to Take Examination

A. Except for an emergency situation approved by the board, failure of an applicant to take the examination after being duly notified shall automatically cause the applicant's temporary permit to immediately become null and void. The applicant shall have to pay the appropriate fee for the renewal of the temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and R.S. 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2795 (December 2003).

§1105. Renewal of License

A. Every license issued by the board shall be renewed annually on or before January 15 of each calendar year, and any license not renewed within 30 days after the renewal date shall be suspended.

B. A license suspended for delinquency of renewal may be renewed within 30 days of the suspension date by the payment of the renewal fee, and in addition the payment of a delinquency penalty charge.

C. A license may be renewed after a lapse of 30 days from the date of suspension, only by action of the board and payment of renewal fees and delinquency penalty charges as the board may assess each individual case, and provided that the applicant meets with the basic educational requirements in effect at the time of application for reinstatement.

D. A license revoked for cause by the board may be reinstated only by the action of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2108, and R.S. 37:2109.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2795 (December 2003).

Chapter 13. Registration

§1301. Registration

A. By virtue of being licensed by the board, a sanitarian will be registered with the board and shall be assigned a registration number.

B. A sanitarian having satisfactorily met the requirements of the board is entitled to recognition as a registered sanitarian, licensed to practice as a sanitarian in the state of Louisiana.

C. The board shall maintain a list of registered sanitarians registered with the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1144 (December 1985), amended by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2795 (December 2003).

Chapter 15. Fees

§1501. Fees

A. Fees for examinations, temporary permits, licenses, etc., shall be fixed by statute. Refer to R.S. 37:2107, R.S. 37:2108, and R.S. 37:2109.1 for details.

B. Unless the statute which enacts or amends fees specifies otherwise, the effective date for fees apply to the calendar year beginning January 1 following statutory enactment or amendment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2107, R.S. 37:2108, and 37:2109.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners for Sanitarians, LR 11:1145 (December 1985), amended and repromulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

Chapter 17. Enforcement

§1703. Enforcement of R.S. 37:2102 et seq.

A. When violations or suspected violations of the law are brought to the attention of the board, the board shall cause to be made through a thorough investigation of the alleged violation, and shall, if the investigation indicates, file mandamus or injunction suits for the purpose of enforcing the provisions of the said law or regulations of the board.

B. The board shall direct the secretary to take action in the board's behalf as is necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and R.S. 37:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

Chapter 19. Qualification Requirements

§1901. Qualifications

A. The qualifications required of an applicant for a sanitarian permit shall be:

1. graduation from an accredited college or university, with a bachelor's degree and concentration of courses in the general area of environmental health. In lieu thereof, an applicant may offer a bachelor's degree which includes at least 30 semester hours (or the equivalent) of courses in the physical and biological sciences, with minimum of six hours in the physical sciences and a minimum of 10 hours in the biological sciences, plus one year of field experience in environmental health acceptable to the board. The physical sciences will be said to include only chemistry and physics; the biological sciences include but are not limited to biology, entomology, microbiology, zoology, and such applied sciences as animal husbandry, dairy husbandry, environmental sciences, environmental engineering, and veterinary science;

2. the board may by further regulation require, also, that the field experience include specified phases of environmental health and the applicant complete a short intensive training course in environmental health.

B. Applicants for examination shall have the college or university which they attend transmit a transcript of their college credits to the secretary of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104, R.S. 37:2105 and R.S. 37:2111.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

Chapter 21. Continuing Education Requirements

§2101. General

A. All active registered sanitarians shall obtain a minimum of eight contact hours of continuing education during each calendar year.

1. For purposes of compliance with this paragraph, the following equivalents shall apply:

a. one academic semester hour shall be equivalent to 15 contact hours;

b. one academic quarter hour shall be equivalent to 12.5 contact hours; and

c. one continuing education unit shall be equivalent to 10 contact hours.

B. It is incumbent upon each active registered sanitarian to orderly (by calendar year) maintain his/her own documentation of continuing education credits received. When requested in writing by the board, the original copies of such documentation shall be submitted to the board within a time limit specified by the board.

C. Active registered sanitarians shall maintain their own records of continuing education received for at least five calendar years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

§2103. Cause for Provisional License Status Issuance

A. Failure to obtain the minimum required continuing education credits prior to each annual renewal period shall be cause for an active registered sanitarian's license to be downgraded to a provisional license status. In addition, failure to submit proper documentation of training credits received upon written request of the board and within the time limit specified by the board shall be cause for an active registered sanitarian's license to be downgraded to a provisional license status.

B. Once the board has downgraded an active registered sanitarian's license to a provisional license status, it shall be incumbent upon the board to promptly notify an active registered sanitarian of such action, including the reason for such action and the consequences for failure to cure the problem.

C. Notification of provisional license status shall be done by certified mail-return receipt requested or hand delivery. For sanitarians employed by the State of Louisiana, a copy of such action shall be sent by regular mail to the appropriate supervisor(s) and human resource office(s) to inform them that their employee has effectively been placed on notice by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

§2105. Consequences of Provisional License Status Issuance/Possible Revocation of License

A. Once a sanitarian has been placed on provisional license status for violation of the requirements of this Chapter, he/she shall be required to fully comply with the requirements of §2101.A of this Chapter during the same

calendar year in which he/she has been placed on provisional license status.

B. Failure to fully comply with the requirements of Subsection 2101.A of this Chapter by the end of the calendar year in which he/she has been placed on provisional license status shall be cause for revocation of license.

C. Notification of revocation of license shall be done by certified mail-return receipt requested or hand delivery. For sanitarians employed by the State of Louisiana, a copy of such action shall be sent by regular mail, using a certificate of mailing, to the appropriate supervisor(s) and human resource office(s) to inform them that their employee no longer has a valid license to practice as a sanitarian.

D. This Section shall not be construed to allow a sanitarian to forego the continuing education requirements of the current calendar year while he/she is acquiring continuing education credits for the purpose of curing a provisional license issued due to failure to achieve continuing education requirements from one or more previous calendar years. In other words, at the end of the calendar year in which the sanitarian has been placed on provisional license status for violation of the requirements of this Chapter, one must also acquire all other continuing education credits necessary to bring oneself fully up to date and compliant with all continuing education requirements then required of him/her at the end of such calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2796 (December 2003).

§2107. Limitations of Provisional License Status Issuance

A. A sanitarian can be placed on provisional license status no more than three times during their entire career.

B. Issuance of provisional license status on a consecutive basis is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2797 (December 2003).

§2109. Cure of Provisional License Status

A. A sanitarian who has been placed on provisional license status may cure and return to full licensure status by fully complying with the requirements of Subsection 2101.A of this Chapter during the same calendar year in which he/she has been placed on provisional license status.

B. It shall be incumbent upon the sanitarian who has been placed on provisional license status to provide documentation to the board, prior to the end of the calendar year in which he/she was placed on provisional license status, that shows full compliance with the requirements of §2101.A of this Chapter. Such documentation should be sent to the board by certified mail-return receipt requested.

C. Upon the board's receipt, review, and approval of documentation indicating compliance with the requirements of §2101.A of this Chapter, the provisional license status shall be terminated by the board. Notification of the termination of provisional license status and the return to full license status shall be done by regular mail, using a certificate of mailing, or hand delivery. For sanitarians employed by the State of Louisiana, a copy of the notice

terminating provisional license status shall also be sent by regular mail to the appropriate supervisor(s) and human resource office(s) to inform them that their employee has effectively been removed from the "on notice" status by the board.

D. This Section shall not be construed to allow a sanitarian to forego the continuing education requirements of the current calendar year while he/she is acquiring continuing education credits for the purpose of curing a provisional license issued due to failure to achieve continuing education requirements from one or more previous calendar years. In other words, at the end of the calendar year in which the sanitarian has been placed on provisional license status for violation of the requirements of this Chapter, one must also acquire all other continuing education credits necessary to bring oneself fully up to date and compliant with all continuing education requirements then required of him/her at the end of such calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2797 (December 2003).

§2111. Express Acknowledgement of Time Limits

A. Notwithstanding the general time limitation requirements contained within Subsections 2105.A and B and 2109.A and B of this Chapter, the board acknowledges its express understanding that a sanitarian who has been placed on provisional license status after June 30 of a particular year shall, in no case, be given less than six full months from the date of receipt of notification to cure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2797 (December 2003).

§2113. Course Approval Advisory Committee

A. The board is authorized, at its option, to establish a Course Approval Advisory Committee to assist the board in its review of instructional courses and training materials which would qualify as being approved for the purposes of this Chapter.

B. If established, the Course Approval Advisory Committee shall consist of nine active registered sanitarians. The board shall appoint each member to the committee with each member representing each of the nine Department of Health and Hospitals? Office of Public Health (DHH-OPH) geographical regions. At least once every two years, the board shall appoint one of the nine members to act as chairman of the committee. Committee members are not required to be employed by the State of Louisiana. Active registered sanitarians who agree to serve shall do so voluntarily and without any compensation. The chairman of the committee shall call meetings as needed and necessary. Nothing herein shall prohibit any or all such meetings to be held by teleconference. Five members shall constitute a quorum to transact official business of the committee.

C. If established, each active registered sanitarian appointed to the original Course Approval Advisory Committee shall be appointed to terms beginning with the effective date of this Section or a date specified by the board, as follows:

1. members representing DHH-OPH geographical Regions 1, 3, 5, 8, and 9 for one year;
2. members representing DHH-OPH geographical Regions 2, 4, 6, and 7 for two years;
3. thereafter, each active registered sanitarian appointed to the Course Approval Advisory Committee shall be appointed for a term of two years.

D. If established, the chairman of the Course Approval Advisory Committee shall submit the recommendations on course approvals to the board chair. Any such course, regardless of whether or not it has gone through the Course Approval Advisory Committee, shall be deemed to not be officially approved for the purposes of this Chapter until such time as the board rules and issues a formal notification of approval.

E. Once established, the Course Approval Advisory Committee may be disbanded by a simple majority vote of the board. It may be reestablished by a simple majority of the board. If reestablished, it shall conform to the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2797 (December 2003).

§2115. Approval of Instructional Courses and Training Materials

A. To be approved for training credit by the board, all instructional courses and training materials, including those identified in Subsection B or C of this Section, shall meet the following general requirements.

1. The board must have on file a copy of the outline of the training course, seminar, workshop, etc.
2. Information must include dates, place held, sponsoring organization, speaker/instructor's names, time (length of presentation on subject matter), and target audience.
3. No blanket approvals (from year to year) will be given or implied and a separate approval must be given by the board each time training is given.
4. An active registered sanitarian or an organization who is aggrieved by a decision of the board relative to denial by the board of an instructional course being approved for training credit may apply for an administrative hearing to contest the board's action. The administrative hearing shall be conducted by a panel of board members or the entire board.

B. Types of instructional courses, short courses, technical sessions, seminars, workshops, etc., generally recognized by the board as potentially fulfilling the requirements of this Chapter include, but are not limited to, the following:

1. annual educational conference of the Louisiana Public Health Association, technical sessions, seminars and workshops;
2. annual educational conference of the American Public Health Association, regional meetings, technical sessions, seminars and workshops;
3. annual educational conference of the Louisiana Environmental Health Association, technical sessions, seminars and workshops;

4. annual educational conference of the National Environmental Health Association, regional meetings, technical sessions, seminars and workshops;

5. annual educational conference of the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes, regional meetings, technical sessions, seminars and workshops;

6. annual training and technical conference of the Louisiana Rural Water Association, regional meetings, technical sessions, seminars and workshops;

7. annual conference of the American Water Works Association, technical sessions, seminars and workshops;

8. annual conference of the Southwest Section of the American Water Works Association, technical sessions, seminars and workshops;

9. annual conference of the Water Environment Federation, regional meetings, technical sessions, seminars and workshops;

10. Louisiana Water Environment Association regional meetings, technical sessions, seminars and workshops;

11. Louisiana Environmental Training Center, at University of Louisiana at Lafayette, training courses, technical sessions, seminars and workshops;

12. college or university and vocational-technical sponsored water, wastewater, epidemiology, zoology, microbiology, virology, engineering, and other courses related to public health or environmental protection;

13. regional meetings, technical sessions, seminars, workshops and/or training programs, sponsored and/or cosponsored by the Department of Health and Hospitals or the Department of Environmental Quality;

14. short schools, technical courses, seminars, workshops and training programs sponsored by other states; or

15. online courses offered by the federal Food and Drug Administration, Environmental Protection Agency, Centers for Disease Control, Department of Agriculture, etc., and other recognized agencies.

C. Organizations not listed in Subsection B of this Section may apply to the Course Approval Advisory Committee, if established, or to the board itself for recognition by the board as potentially fulfilling the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2798 (December 2003).

§2117. Return of Inactive Registered Sanitarians to Active Registered Sanitarian Status

A. An inactive registered sanitarian who returns to work and becomes an active registered sanitarian shall be required to comply with the requirements of §2101.A of this Chapter beginning at the start of the next full calendar year following reinstatement as an active registered sanitarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2798 (December 2003).

§2119. Exemptions to Continuing Education Requirements

A. Nothing herein shall prohibit the board from allowing justifiable exemptions to the continuing education requirements of this Chapter. Examples include, but are not limited to, the following:

- 1. active registered sanitarians who are in active military service of the United States or any of its allies;
- 2. active registered sanitarians who are on approved Family and Medical Leave Act for six months or longer; or
- 3. active registered sanitarians who are on approved leave due to illness or accidents for six months or longer.

B. To be eligible for an exemption allowed under this Section, active registered sanitarians shall submit a written notification to the board.

C. Active registered sanitarians who have been granted an exemption under this Section shall be required to comply with the requirements of §2101.A of this Chapter beginning at the start of the next full calendar year following the calendar year for which an exemption was granted.

D. Active registered sanitarians who have been granted an exemption are also exempt from any reactivation or reinstatement fees; however, with the exception of individuals in active military service of the United States or any of its allies, annual fees remain due and payable.

E. Long term exemptions extending beyond one calendar year shall be handled on a case-by-case basis by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104 and 37:2105.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2799 (December 2003).

**Chapter 23. Exemptions for Active Military Service
§2301. Senate Concurrent Resolution Number 104 of 2003**

A. Any requirements of this Part which conflict with Senate Concurrent Resolution Number 104 of the 2003 General Legislative Session relative to exempting certain mandatory requirements for the continuation of any sanitarian license or certification for an individual while in the active military service of the United States or any of its allies is hereby declared unenforceable.

B. Mandatory requirements which are exempt for individuals in active military service of the United States or any of its allies include payment of any fees, application for renewal, or continuing education requirements.

C. Licensed sanitarians and temporary permit holders shall notify the board of his/her current military status as soon as is reasonably possible after he/she receives notice of being placed in active military service of the United States or any of its allies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2104.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Sanitarians, LR 29:2799 (December 2003).

D. Gary Lincecum
Chairman

0312#015

RULE

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

**Durable Medical Equipment Program
Vagus Nerve Stimulator
(LAC 50:XVII.Chapter 5)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XVII.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following criteria for the prior authorization of Vagus Nerve Stimulators under the Durable Medical Equipment Program.

**Title 50
PUBLIC HEALTH? MEDICAL ASSISTANCE
Part XVII. Durable Medical Equipment**

**Subpart 1. Prosthetics
Chapter 5. Vagus Nerve Stimulator**

§501. Prior Authorization

A. The Vagus Nerve Stimulator (VNS) is an implantable device used to assist in the control of seizures related to epilepsy and must be prescribed by a physician. Implantation of the VNS device and all related procedures must be authorized by the Department based on criteria in §§503-507.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2799 (December 2003).

§503. Recipient Criteria

A. Inclusion Criteria. Consideration shall be given for Medicaid reimbursement for implantation of the VNS if the treatment is considered medically necessary and the patient meets all of the following criteria. The patient:

- 1. has medically intractable epilepsy;
- 2. is 12 years of age or older, although case-by-case consideration may be given to younger children who meet all other criteria and have sufficient body mass to support the implanted system;
- 3. has a diagnosis of partial epilepsy confirmed and classified according to the *International League Against Epilepsy* classification. The patient may also have associated generalized seizures, such as tonic, tonic-tonic, or atonic. The VNS may have efficacy in primary generalized epilepsy as well;
- 4. has seizures that resist control by antiepilepsy treatment, with adequately documented trials of appropriate antiepilepsy drugs or documentation of the patient's inability to tolerate these medications;
- 5. has undergone surgical evaluation and is not considered to be an optimal candidate for epilepsy surgery;

6. is experiencing at least four to six identifiable partial onset seizures each month. The patient must have had a diagnosis of intractable epilepsy for at least two years. The two-year period may be waived if it is deemed that waiting would be harmful to the patient;

7. has undergone Quality of Life (QOL) measurements. The choice of instruments used for the QOL must assess quantifiable measures of day to day life in addition to the occurrence of seizures. In the expert opinion of the treating physician, and clearly documented in the request for prior authorization, there must be reason to believe that QOL will improve as a result of the VNS implant. This improvement should be in addition to the benefit of seizure frequency reduction.

B. Exclusion Criteria. Regardless of the provisions of §503.A, authorization for implantation of a VNS shall not be given if the patient meets one or more of the following criteria. The patient:

1. has psychogenic seizures or other nonepileptic seizures; or

2. has systemic or localized infections that could infect the implanted system; or

3. has a body mass that is insufficient to support the implanted system; or

4. has a progressive disorder that is a contraindication to VNS implantation. Examples are malignant brain neoplasm, Rasmussen's encephalitis, Landau-Kleffner Syndrome and progressive metabolic and degenerative disorders. Progressive disorders, psychosis, or mental retardation that are not contraindications to VNS implantation are not exclusion criteria. Taking into consideration the additional diagnosis, the treating physician must document the benefits of the VNS.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2799 (December 2003).

§505. Programming the Vagus Nerve Stimulator

A. The programming of the VNS stimulator must be performed by the neurosurgeon who performed the implant procedure or by a licensed neurologist. Programming subsequent to the first three times may be subject to post authorization review for medical necessity prior to payment of the claim. Authorization for payment will only be considered when there is documented clinical evidence to show that the recipient has experienced seizures since previous programming attempts. Payment for the programming procedure will only be authorized when it is performed as an attempt to reduce or prevent future episodes of seizures.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2800 (December 2003).

§507. Subsequent Implants/Battery Replacement

A. Requests to replace batteries or for new implants must be submitted with documentation that shows that the recipient was benefiting from the original VNS transplant.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2800 (December 2003).

David W. Hood
Secretary

0312#093

RULE

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

Hospice Licensure Standards
(LAC 48:I.8205, 8207, 8217, and 8237)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended the following Rule as authorized by R.S. 40:2181-2191. This Rule is amended 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 Service Financing amends the provisions of the December 20, 1998 Rule governing the licensure and regulation of hospice agencies.

Title 48

PUBLIC HEALTH? GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 82. Minimum Standards for Licensing of Hospice Agencies

Subchapter A. General Provisions

§8205. Survey

A. -A.3. ...

4. If, at the initial licensing survey, an agency has more than five violations of any minimum standards or if any of the violations are determined to be of such a serious nature that they may cause or have the potential to cause actual harm, DHH shall deny licensing.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2260 (December 1998), LR 29:2800 (December 2003).

§8207. Revocation or Denial of Renewal of License

A. The Secretary of DHH may deny an application for a license, or refuse to renew a license or revoke a license in accordance with R.S. 40:2187-2188. An agency's license may not be renewed and/or may be revoked for any of the following:

1. failure to be in substantial compliance with the hospice minimum standards;

2. failure to provide services essential to the palliative care of terminally ill individuals;

3. failure to uphold patient rights whereby violations may result in harm or injury;

4. failure of agency to protect patients/persons in the community from harmful actions of the agency employees; including, but not limited to, health and safety, coercion, threat, intimidation, and harassment;

5. failure to notify proper authorities of all suspected cases of neglect, criminal activity, or mental or physical abuse which could potentially cause harm to the patient;

6. failure to maintain staff adequate to provide necessary services to current active patients;

7. failure to employ qualified personnel;

8. failure to remain fully operational at any time for any reason other than a disaster;

9. failure to submit fees including, but not limited to, annual fee, renewal fee, provisional follow-up fee, or change of agency address or name, or any fines assessed by DHH;

10. failure to allow entry to hospice agency or access to any requested records during any survey;

11. failure to protect patient from unsafe skilled and/or unskilled care by any person employed by the agency;

12. failure of agency to correct violations after being issued a provisional license;

13. agency staff or owner has knowingly, or with reason to know, made a false statement of a material fact in:

a. application for licensure;

b. data forms;

c. clinical record;

d. matter under investigation by the department;

e. information submitted for reimbursement from any payment source;

f. the use of false, fraudulent or misleading advertising;

g. that the agency staff misrepresented or was fraudulent in conducting hospice business;

h. convictions of a felony by an owner, administrator, director of nursing or medical director as shown by a certified copy of the record of the court of conviction of the above individual; or if the applicant is a firm or corporation, of any of its members or officers, or of the person designated to manage or supervise the hospice agency;

14. failure to maintain proper insurance; and

15. failure to comply with all reporting requirements in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2260 (December 1998), LR 29:2800 (December 2003).

Subchapter B. Organization and Staffing

§8217. Personnel Qualifications/Responsibilities

A. - H. ...

1. Qualifications. A licensed practical nurse must be currently licensed by the Louisiana State Board of Practical Nurse Examiners with no restrictions:

a. with at least two years of full time experience as an L.P.N.

H.1.b - O. ...

1. Qualifications. A licensed registered nurse must be currently licensed to practice in the state of Louisiana with no restrictions:

a. have at least two years of full time experience as a registered nurse. However, two years of full time clinical

experience in hospice care as a licensed practical nurse may be substituted for the required two years of experience as a registered nurse;

b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 15:482 (June 1989), amended LR 24:2262 (December 1998), LR 29:2801 (December 2003).

Subchapter D. Administration

§8237. Contract Services

A. - D.9. ...

E. The hospice shall document review of its contracts on an annual basis.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 15:482 (June 1989), amended LR 24:2272 (December 1998), LR 29:2801 (December 2003).

David W. Hood
Secretary

0312#095

RULE

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

Hospital Program
Out-of-State Hospitals? Inpatient Services
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This 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 amends the January 1996 and September 1997 Rules governing the reimbursement methodology for inpatient services provided in out-of-state hospitals. Reimbursement shall be established at the lower of 40 percent of billed charges or the Medicaid per diem rate of the state wherein the services are provided for recipients age 21 and above and the lower of 60 percent of billed charges or the Medicaid per diem rate of the state wherein the services are provided for recipients under the age of 21. Hospitals designated as children's hospitals that are located in states that border Louisiana shall be reimbursed at the lower of the Medicaid per diem rate of the state wherein the services are provided or the Louisiana children's hospital Medicaid peer group rate. Neonatal intensive care unit services, pediatric intensive care unit

services, and burn unit services provided in these children's hospitals shall be paid the Louisiana peer group rate for the qualifying level of service documented by the hospital. The hospital stay and the level of service shall be authorized by the bureau.

Out-of-state hospitals that provided at least 500 inpatient hospital days in State Fiscal Year 1999 and are located in border cities (cities located within a 50 mile trade area of the Louisiana state border) will continue to be reimbursed at the lesser of each hospital's actual cost per day (based on the 1998 filed cost report) or the Medicaid per diem rate of the state wherein the services are provided. This reimbursement methodology is applicable for all Louisiana Medicaid recipients who receive inpatient services in an out-of-state hospital located in a border city, including those recipients up to the age of 21.

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

David W. Hood
Secretary

0312#097

RULE

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

Hospital Program
Out-of-State Hospitals? Outpatient Services
Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This 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 amends the reimbursement methodology contained in the January 1996 Rule for outpatient services provided in out-of-state hospitals to 31.04 percent of billed charges. Outpatient services subject to a fee schedule will continue to be reimbursed per the fee schedule amounts. This reimbursement methodology is applicable for all Louisiana Medicaid recipients who receive outpatient services in an out-of-state hospital, including those recipients up to the age of 21.

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

David W. Hood
Secretary

0312#098

RULE

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

Medicaid Eligibility
Prior Authorization of Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals Section O of the July 20, 1996 Rule addressing the prior authorization of medical transportation and durable medical equipment, appliances, and supplies in the Medicaid Eligibility Manual. The prior authorization requirements for these services are promulgated in separate Rules governing the administration of the Durable Medical Equipment and Medical Transportation Programs.

David W. Hood
Secretary

0312#096

RULE

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

Medicaid Eligibility
Treatment of Annuities

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the 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 amends current Medicaid eligibility policy governing the transfer of assets and trusts to further define and clarify the consideration of annuities in the Medicaid eligibility determination process.

An annuity is considered a legal instrument or device similar to a trust. An annuity is defined as a contract or agreement by which one receives fixed, non variable payments on an investment for a lifetime or a specified number of years. An annuity containing a balloon payment will not be classified as an annuity for Medicaid eligibility purposes, but rather will be considered an available resource. A commercial (non-employment related) annuity purchased

by or for an individual using that individual's assets will be considered an available resource unless it meets all of the following criteria. The annuity:

1. is irrevocable;
2. pays out principal and interest in equal monthly installments (no balloon payment) to the individual in sufficient amounts that the principal is paid out within the actuarial life expectancy of the annuitant;
3. names the state of Louisiana, Department of Health and Hospitals or its successor agency as the residual beneficiary of funds remaining in the annuity, not to exceed any Medicaid funds expended on the individual during his lifetime; and
4. is issued by an insurer or other body licensed and approved to do business in the jurisdiction in which the annuity is established.

This policy change shall be applicable to all pending applications, renewals of eligibility or changes in situations (as defined in Section L of the Medicaid Eligibility Manual) where the applicant/recipient has an annuity. Existing annuities which do not meet all of the above criteria must be amended to comply with these requirements within 90 days of the first renewal or first change in their situation (as defined in Section L of the Medicaid Eligibility Manual) occurring after enactment of this Rule.

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

David W. Hood
Secretary

0312#094

RULE

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

**Professional Services Program
Physician Services Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rates for the following services.

Pediatric Surgery Services

A. Reimbursement is increased for selected surgery services provided by the primary servicing physician to Medicaid recipients from birth through 10 years of age. Physicians' Current Procedural Terminology (CPT) surgical procedure codes (10021-69990) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status, procedure codes for newborn circumcisions (54150) and

(54160) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

Orthopedic Services

A. CPT orthopedic procedure codes (20000-29898) shall be reimbursed at 80 percent of the Medicare Region 99 allowable for 2002, except for those procedure codes on file that are in non-pay status or those payable with a fee greater than 80 percent of the Medicare Region 99 allowable for 2002.

**Cardiology, Maternal Fetal Medicine
and Inpatient Services**

A. The following CPT procedures shall be reimbursed at 84 percent of the Medicare Region 99 allowable for 2002:

1. transfusion, intrauterine, fetal;
2. amniocentesis, diagnostic;
3. chronic villus sampling, any method;
4. echocardiography, fetal, cardiovascular system, real time;
5. Doppler echocardiography, fetal, cardiovascular system, pulsed wave and/or continuous wave with spectral display, complete; follow-up or repeat study;
6. combined right heart catheterization and retrograde left heart catheterization, for congenital cardiac anomalies;
7. combined right heart catheterization and transseptal left heart catheterization through existing septal opening, with or without retrograde left heart catheterization, for congenital cardiac anomalies;
8. subsequent hospital care, per day (low complexity); and
9. subsequent hospital care, per day (moderate complexity).

Antibiotic Injections

A. Antibiotic injections administered to Medicaid recipients up to the age of 21 shall be reimbursed at a flat rate of \$22.

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

David W. Hood
Secretary

0312#099

RULE

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

**Public Hospitals
Inpatient Reimbursement Methodology
Target Rate per Discharge**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing rebases the target rate per discharge amounts and per diem limitations for carve out specialty units in state owned or operated hospitals utilizing the amounts calculated per the cost report for the fiscal year ending either on June 30, 2001 or June 30, 2002. Allowable malpractice costs shall be included in the target rate per discharge and per diem limitations. Data from the 12 month cost reporting period of the base year shall be extracted to determine each hospital's cost per discharge or per day. Inpatient hospital services provided to children under one year of age in state owned or operated hospitals shall continue to be reimbursed as pass-through costs and shall not be subject to per discharge or per diem limits applied to other inpatient hospital services.

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

David W. Hood
Secretary

0312#100

RULE

**LSU Health Sciences Center
Health Care Services Division**

Minimum Fee in Outpatient Clinics and Emergency Rooms
(LAC 48:XI.1309)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, as a result of Act 906, R.S. 46:6(A) of the 2003 Regular Session, LAC 48:XI.1309 is hereby repealed.

Title 48

PUBLIC HEALTH? GENERAL

Part XI. Hospitals

Subpart 3. General Hospitals

Chapter 13. Admissions, Eligibility, Fees

**§1309. Minimum Fee in Outpatient Clinics and
Emergency Room**

Repealed.

AUTHORITY NOTE: Promulgated 46.6(A) as a result of Act 893 of 1991. Repealed in accordance with amended R.S. 46:6(A) (Act 906 of the 2003 Regular Session.)

HISTORICAL NOTE: Promulgated by the Louisiana Health Care Authority, LR 20:667 (June 1994), repealed by the LSU Health Science Center, Health Care Services Division, LR 29:2804 (December 2003).

James Brexler, MPA, F.A.C.H.E.
Vice Chancellor
and
Chief Executive Officer

0312#029

RULE

**Department of Natural Resources
Office of Conservation
Pipeline Division**

Hazardous Liquids Pipeline Safety
(LAC 33:V.Chapters 301-313)

The Louisiana Office of Conservation has amended LAC 33:V.301 et seq. in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. These proposed Rules replace the current minimum pipeline safety requirements for hazardous liquids pipelines with new codification, technical changes and the addition of new requirements.

There will be negligible costs to directly affected persons or hazardous liquids pipeline operators. Benefits will be realized by persons near hazardous liquids pipelines through safer construction and operation standards imposed by the Rule amendments. Moreover, Louisiana presently receives approximately \$148,000 in federal funds and \$62,000 in pipeline fees to administer the Hazardous Liquids Pipeline Safety Program. Failure to amend the Louisiana Rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 33

ENVIRONMENTAL QUALITY

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

Subpart 3. Natural Resources

**Chapter 301. Transportation of Hazardous Liquids by
Pipeline [49 CFR Part 195]**

Subchapter A. General [Subpart A]

§30101. Scope [49 CFR 195.0]

A. This Subpart prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide. [49 CFR 195.0]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 29:2804 (December 2003).

§30103. Applicability [49 CFR 195.1]

A. Except as provided in §30103.B of this Section, this Subpart applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide by pipeline within the state of Louisiana, including the coastal zone limits. [49 CFR 195.1(a)]

B. This Subpart does not apply to: [49 CFR 195.1(b)]

1. transportation of a hazardous liquid that is transported in a gaseous state; [49 CFR 195.1(b)(1)]

2. transportation of a hazardous liquid through a pipeline by gravity; [49 CFR 195.1(b)(2)]

3. transportation through any of the following low-stress pipelines: [49 CFR 195.1(b)(3)]

a. an onshore pipeline or pipeline segment that: [49 CFR 195.1(b)(3)(i)]

i. does not transport HVL; [49 CFR 195.1(b)(3)(i)(A)]

ii. is located in a rural area; and [49 CFR 195.1(b)(3)(i)(B)]

iii. is located outside a waterway currently used for commercial navigation; [49 CFR 195.1(b)(3)(i)(C)]

b. a pipeline subject to safety regulations of the U.S. Coast Guard; or [49 CFR 195.1(b)(3)(ii)]

c. a pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than one mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation; [49 CFR 195.1(b)(3)(iii)]

4. transportation of petroleum in onshore gathering lines in rural areas except gathering lines in the inlets of the Gulf of Mexico subject to §30413; [49 CFR 195.1(b)(4)]

5. transportation of a hazardous liquid or carbon dioxide in offshore pipelines which are located upstream from the outlet flange of each facility where hydrocarbons or carbon dioxide are produced or where produced hydrocarbons or carbon dioxide are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; [49 CFR 195.1(b)(5)]

6. intentionally left blank; [49 CFR 195.1(b)(6)]

7. transportation of a hazardous liquid or carbon dioxide through onshore production (including flowlines), refining or manufacturing facilities or storage or in-plant piping systems associated with such facilities; [49 CFR 195.1(b)(7)]

8. transportation of a hazardous liquid or carbon dioxide: [49 CFR 195.1(b)(8)]

a. by vessel, aircraft, tank truck, tank car, or other nonpipeline mode of transportation; or [49 CFR 195.1(b)(8)(i)]

b. through facilities located on the grounds of a materials transportation terminal that are used exclusively to transfer hazardous liquid or carbon dioxide between nonpipeline modes of transportation or between a nonpipeline mode and a pipeline, not including any device and associated piping that are necessary to control pressure in the pipeline under §30406.B; and [49 CFR 195.1(b)(8)(ii)]

9. transportation of carbon dioxide downstream from the following point, as applicable: [49 CFR 195.1(b)(9)]

a. the inlet of a compressor used in the injection of carbon dioxide for oil recovery operations, or the point where recycled carbon dioxide enters the injection system, whichever is farther upstream; or [49 CFR 195.1(b)(9)(i)]

b. the connection of the first branch pipeline in the production field that transports carbon dioxide to injection wells or to headers or manifolds from which pipelines branch to injection wells. [49 CFR 195.1(b)(9)(ii)]

C. Breakout tanks subject to this part must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to

breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with §30189.B, 30205.B, 30264.B and E, 30307, 30428.C and D, and 30432.B and C. [49 CFR 195.1(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 8:861 (August 1992), LR 20:439 (1994), LR 21:814 (August 1995), LR 29:2804 (December 2003).

§30105. Definitions [49 CFR 195.2]

A. As used in this Chapter:

Abandoned? permanently removed from service.

Administrator? the Administrator, Research and Special Programs Administration or his or her delegate.

Barrel? a unit of measurement equal to 42 U.S. standard gallons.

Breakout Tank? a tank used to:

a. relieve surges in a hazardous liquids pipeline system; or

b. receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

Carbon Dioxide? a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

Commissioner? the Commissioner of Conservation or any person to whom he has delegated authority in the matter concerned. For the purpose of these regulations, the commissioner is the delegated authority of the secretary of transportation.

Component? any part of a pipeline which may be subjected to pump pressure including, but not limited to, pipe, valves, elbows, tees, flanges, and closures.

Computation Pipeline Monitoring (CPM)? a software-based monitoring tool that alerts the pipeline dispatcher of a possible pipeline operating anomaly that may be indicative of a commodity release.

Corrosive Product? "corrosive material" as defined by CFR 173.136 Class 8? Definitions of this Chapter.

Exposed Pipeline? a pipeline where the top of the pipe is protruding above the seabed in water less than 15 feet (4.6 meters) deep, as measured from the mean low water.

Flammable Product? "flammable liquid" as defined by CFR 173.120 Class 3? Definitions of this Chapter.

Gathering Line? a pipeline 8-5/8 in. (219.1 mm.) or less nominal outside diameter that transports petroleum from a production facility.

Gulf of Mexico and its Inlets? the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 m), as measured from the mean low water.

Hazard to Navigation? for the purpose of this Subpart, a pipeline where the top of the pipe is less than 12 inches (305 mm) below the seabed in water less than 15 feet (4.6 m) deep, as measured from the mean low water.

Hazardous Liquid? petroleum, petroleum products, or anhydrous ammonia.

Highly Volatile Liquid or *HVL?* a hazardous liquid which will form a vapor cloud when released to the

atmosphere and which has a vapor pressure exceeding 40?psia (276 kPa) at 100°F (37.8°C).

In-Plant Piping System? piping that is located on the grounds of a plant and used to transfer hazardous liquid or carbon dioxide between plant facilities or between plant facilities and a pipeline or other mode of transportation, not including any device and associated piping that are necessary to control pressure in the pipeline under §30406.B.

Interstate Pipeline? a pipeline or that part of a pipeline that is used in the transportation of hazardous liquids or carbon dioxide in interstate or foreign commerce.

Intrastate Pipeline? a pipeline or that part of a pipeline to which this Subpart applies that is not an interstate pipeline.

Line Section? a continuous run of pipe between adjacent pressure pump stations, between a pressure pump station and terminal or breakout tanks, between a pressure pump station and a block valve, or between adjacent block valves.

Low-Stress Pipeline? a hazardous liquid pipeline that is operated (based on MOP) in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

Nominal Wall Thickness? the wall thickness listed in the pipe specifications.

Offshore? beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open sea and beyond the line marking the seaward limit of inland waters.

Operator? a person who owns or operates pipeline facilities.

Outer Continental Shelf? all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Person? any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Petroleum? crude oil, condensate, natural gasoline, natural gas liquids, and liquefied petroleum gas.

Petroleum Product? flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, and other miscellaneous hydrocarbon compounds.

Pipe or Line Pipe? a tube, usually cylindrical, through which a hazardous liquid or carbon dioxide flows from one point to another.

Pipeline or Pipeline System? all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

Pipeline Facility? new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

Production Facility? piping or equipment used in the production, extraction, recovery, lifting, stabilization,

separation or treating of petroleum or carbon dioxide, or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground or from facilities where CO₂ is produced, and preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations.)

Rural Area? outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, or community development.

Specified Minimum Yield Strength? the minimum yield strength, expressed in pounds per square inch (p.s.i.)(kPa) gauge, prescribed by the specification under which the material is purchased from the manufacturer.

Stress Level? the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

Surge Pressure? pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

Toxic Product? "poisonous material" as defined by CFR 173.132 Class 6, Division 6.1? Definitions of this Chapter.

Transportation of Hazardous Liquids? the gathering, transmission, or distribution of hazardous liquids by pipeline.

Unusually Sensitive Area (USA)? a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release, as identified under §30112.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 29:2805 (December 2003).

§30107. Matter Incorporated by Reference [49 CFR 195.3]

A. Any document or portion thereof incorporated by reference in this Subpart is included in this Subpart as though it were printed in full. When only a portion of a document is referenced, then this Subpart incorporates only that referenced portion of the document and the remainder is not incorporated. Applicable editions are listed in Subsection C of this Section in parentheses following the title of the referenced material. Earlier editions listed in previous editions of this Section may be used for components manufactured, designed, or installed in accordance with those earlier editions at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier editions. [49 CFR 195.3(a)]

B. All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These materials have been approved for incorporation by reference by the director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, materials incorporated by reference are available as follows. [49 CFR 195.3(b)]

1. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, VA 22209. [49 CFR 195.3(b)(1)]
2. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005. [49 CFR 195.3(b)(2)]
3. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017. [49 CFR 195.3(b)(3)]
4. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE., Vienna, VA 22180. [49 CFR 195.3(b)(4)]
5. American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036. [49 CFR 195.3(b)(5)]
6. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428. [49 CFR 195.3(b)(6)]
7. National Fire Protection Association (NFPA), 11 Tracy Drive, Avon, MA 02322. [49 CFR 195.3(b)(7)]
8. NACE International, 1440 South Creek Drive, Houston, TX 77084. [49 CFR 195.3(b)(8)]

C. The full title for the publications incorporated by reference in this Subpart are as follows. Number in parenthesis indicated applicable editions. [49 CFR 195.3(c)]

1. American Gas Association (AGA): AGA Pipeline Research Committee, Project PR-3-805, *A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe* (December 1989). The RSTRENG program may be used for calculating remaining strength. [49 CFR 195.3(c)(1)]
2. American Petroleum Institute (API). [49 CFR 195.3(c)(2)]
 - a. API 510 Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration (8th edition, June 1997). [49 CFR 195.3(c)(2)(i)]
 - b. API 1130 *Computational Pipeline Monitoring* (1st Edition, 1995). [49 CFR 195.3(c)(2)(ii)]
 - c. API Publication 2026 Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service (2nd edition, April 1998). [49 CFR 195.3(c)(2)(iii)]
 - d. API Recommended Practice 651 *Cathodic Protection of Aboveground Petroleum Storage Tanks* (2nd edition, December 1997) [49 CFR 195.3(c)(2)(iv)]
 - e. API Recommended Practice 652 *Lining of Aboveground Petroleum Storage Tank Bottoms* (2nd edition, 1997). [49 CFR 195.3(c)(2)(v)]
 - f. API Recommended Practice 2003 *Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents* (6th edition, December 1998). [49 CFR 195.3(c)(2)(vi)]
 - g. API Recommended Practice 2350 *Overflow Protection for Storage Tanks In Petroleum Facilities* (2nd edition, January 1996). [49 CFR 195.3(c)(2)(vii)]
 - h. API Specification 5L *Specification for Line Pipe* (41st edition, 1995). [49 CFR 195.3(c)(2)(viii)]
 - i. API Specification 6D *Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)* (21st edition, 1994). [49 CFR 195.3(c)(2)(ix)]
 - j. API Specification 12F *Specification for Shop Welded Tanks for Storage of Production Liquids* (11th edition, November 1994). [49 CFR 195.3(c)(2)(x)]

- k. API Standard 1104 *Welding Pipelines and Related Facilities* (18th edition, 1994). [49 CFR 195.3(c)(2)(xi)]
 - l. API Standard 620 Design and Construction of Large, Welded, Low-Pressure Storage Tanks (9th edition, February 1996, Including Addenda 1 and 2). [49 CFR 195.3(c)(2)(xii)]
 - m. API Standard 650 *Welded Steel Tanks for Oil Storage* (9th edition, July 1993, Including Addenda 1 through 4). [49 CFR 195.3(c)(2)(xiii)]
 - n. API Standard 653 *Tank Inspection, Repair Alteration, and Reconstruction* (2nd edition, December 1995, including Addenda 1 and 2). [49 CFR 195.3(c)(2)(xiv)]
 - o. API Standard 2000 *Venting Atmospheric and Low-Pressure Storage Tanks* (4th edition, September 1992). [49 CFR 195.3(c)(2)(xv)]
 - p. API Standard 2510 *Design and Construction of LPG Installations* (7th edition, May 1995). [49 CFR 195.3(c)(2)(xvi)]
3. American Society of Mechanical Engineers (ASME). [49 CFR 195.3(c)(3)]
 - a. ASME/ANSI B16.9 *Factory-Made Wrought Steel Buttwelding Fittings* (1993). [49 CFR 195.3(c)(3)(i)]
 - b. ASME/ANSI B31.4 *Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols* (1992 ed. with ASME B31.4a -1994 Addenda). [49 CFR 195.3(c)(3)(ii)]
 - c. ASME/ANSI B31.8 *Gas Transmission and Distribution Piping Systems* (1995). [49 CFR 195.3(c)(3)(iii)]
 - d. ASME/ANSI B31G *Manual for Determining the Remaining Strength of Corroded Pipelines* (1991). [49 CFR 195.3(c)(3)(iv)]
 - e. ASME Boiler and Pressure Vessel Code, Section VIII, *Pressure Vessels Divisions 1 and 2* (1995 edition with 1995 Addenda). [49 CFR 195.3(c)(3)(v)]
 - f. ASME Boiler and Pressure Vessel Code, Section IX *Welding and Brazing Qualifications* (1995 edition with 1995 Addenda). [49 CFR 195.3(c)(3)(vi)]
4. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS). [49 CFR 195.3(c)(4)]
 - a. MSS SP-75 *Specification for High Test Wrought Butt Welding Fittings* (1993). [49 CFR 195.3(c)(4)(i)]
 - b. [Reserved] [49 CFR 195.3(c)(4)(ii)]
5. American Society for Testing and Materials (ASTM). [49 CFR 195.3(c)(5)]
 - a. ASTM Designation: A 53 *Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless (A 53-96)*. [49 CFR 195.3(c)(5)(i)]
 - b. ASTM Designation: A 106 *Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service (A 106-95)* [49 CFR 195.3(c)(5)(ii)]
 - c. ASTM Designation: A 333/A 333M *Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service (A 333/A 333M-94)*. [49 CFR 195.3(c)(5)(iii)]
 - d. ASTM Designation: A 381 *Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High Pressure Transmission Systems (A 381-93)*. [49 CFR 195.3(c)(5)(iv)]

e. ASTM Designation: A 671 Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures (A 671-94). [49 CFR 195.3(c)(5)(v)]

f. ASTM Designation: A 672 Standard Specification for Electric-Fusion-Welded Steel Pipe for High- Pressure Service at Moderate Temperatures (A 672-94). [49 CFR 195.3(c)(5)(vi)]

g. ASTM Designation: A 691 Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures (A 691-93). [49 CFR 195.3(c)(5)(vii)]

6. National Fire Protection Association (NFPA): 49 CFR 195.3(c)(6)]

a. ANSI/NFPA 30 Flammable and Combustible Liquids Code (1996) [49 CFR 195.3(c)(6)(i)]

7. NACE International (NACE): [49 CFR 195.3(c)(7)]

a. NACE Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems;" (1996). [49 CFR 195.3(c)(7)(i)]

b. [Reserved] [49 CFR 195.3(c)(7)(ii)]

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§30109. Compatibility Necessary for Transportation of Hazardous Liquids or Carbon Dioxide
[49 CFR 195.4]

A. No person may transport any hazardous liquid or carbon dioxide unless the hazardous liquid or carbon dioxide is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline. [49 CFR 195.4]

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§30111. Conversion to Service Subject to this Subpart
[49 CFR 195.5]

A. A steel pipeline previously used in service not subject to this Subpart qualifies for use under this Subpart if the operator prepares and follows a written procedure to accomplish the following. [49 CFR 195.5(a)]

1. The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in satisfactory condition for safe operation. If one or more of the variables necessary to verify the design pressure under §30161 or to perform the testing under Paragraph A.4 of this Section is unknown, the design pressure may be verified and the maximum operating pressure determined by: [49 CFR 195.5(a)(1)]

a. testing the pipeline in accordance with ASME B31.8, Appendix N, to produce a stress equal to the yield strength; and [49 CFR 195.5(a)(1)(i)]

b. applying to not more than 80 percent of the first pressure that produces a yielding, the design factor F in

§30161.A and the appropriate factors in §30161.E. [49 CFR 195.5(a)(1)(ii)]

2. The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline. [49 CFR 195.5(a)(2)]

3. All known unsafe defects and conditions must be corrected in accordance with this Subpart. [49 CFR 195.5(a)(3)]

4. The pipeline must be tested in accordance with Chapter 303 to substantiate the maximum operating pressure permitted by §30406. [49 CFR 195.5(a)(4)]

B. A pipeline which qualifies for use under this Section need not comply with the corrosion control requirements of this Subchapter B of Chapter 305 until 12 months after it is placed in service, notwithstanding any previous deadlines for compliance. [49 CFR 195.5(b)]

C. Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of §30111.A. [49 CFR 195.5(c)]

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§30112. Unusually Sensitive Areas (USAs)
[49 CFR 195.6]

A. As used in this Subpart, a USA means a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release.

1. A USA drinking water resource is:

a. the water intake for a Community Water System (CWS) or a Non-Transient Non-Community Water System (NTNCWS) that obtains its water supply primarily from a surface water source and does not have an adequate alternative drinking water source;

b. the Source Water Protection Area (SWPA) for a CWS or a NTNCWS that obtains its water supply from a Class I or Class IIA aquifer and does not have an adequate alternative drinking water source. Where a state has not yet identified the SWPA, the Wellhead Protection Area (WHPA) will be used until the state has identified the SWPA; or

c. the sole source aquifer recharge area where the sole source aquifer is a karst aquifer in nature.

2. An USA ecological resource is:

a. an area containing a critically imperiled species or ecological community;

b. a multi-species assemblage area;

c. a migratory waterbird concentration area;

d. an area containing an imperiled species, threatened or endangered species, depleted marine mammal species, or an imperiled ecological community where the species or community is aquatic, aquatic dependent, or terrestrial with a limited range; or

e. an area containing an imperiled species, threatened or endangered species, depleted marine mammal species, or an imperiled ecological community where the species or community occurrence is considered to be one of

the most viable, highest quality, or in the best condition as identified by an element occurrence ranking (EORANK) of A (excellent quality) or B (good quality).

3. As used in this Subpart:

Adequate Alternative Drinking Water Source? a source of water that currently exists, can be used almost immediately with a minimal amount of effort and cost, involves no decline in water quality, and will meet the consumptive, hygiene, and fire fighting requirements of the existing population of impacted customers for at least one month for a surface water source of water and at least six months for a groundwater source.

Aquatic or Aquatic Dependent Species or Community? a species or community that primarily occurs in aquatic, marine, or wetland habitats, as well as species that may use terrestrial habitats during all or some portion of their life cycle, but that are still closely associated with or dependent upon aquatic, marine, or wetland habitats for some critical component or portion of their life-history (i.e., reproduction, rearing and development, feeding, etc).

Class I Aquifer? an aquifer that is surficial or shallow, permeable, and is highly vulnerable to contamination. Class I aquifers include:

i. *Unconsolidated Aquifers (Class Ia)?* that consist of surficial, unconsolidated, and permeable, alluvial, terrace, outwash, beach, dune, and other similar deposits. These aquifers generally contain layers of sand and gravel that, commonly, are interbedded to some degree with silt and clay. Not all Class Ia aquifers are important water-bearing units, but they are likely to be both permeable and vulnerable. The only natural protection of these aquifers is the thickness of the unsaturated zone and the presence of fine-grained material;

ii. *Soluble and Fractured Bedrock Aquifers (Class Ib)?* lithologies in this class include limestone, dolomite, and locally, evaporitic units that contain documented karst features or solution channels, regardless of size. Generally, these aquifers have a wide range of permeability. Also included in this class are sedimentary strata, and metamorphic and igneous (intrusive and extrusive) rocks that are significantly faulted, fractured, or jointed. In all cases groundwater movement is largely controlled by secondary openings. Well yields range widely, but the important feature is the potential for rapid vertical and lateral ground water movement along preferred pathways, which result in a high degree of vulnerability;

iii. *Semiconsolidated Aquifers (Class Ic)?* that generally contain poorly to moderately indurated sand and gravel that is interbedded with clay and silt. This group is intermediate to the unconsolidated and consolidated end members. These systems are common in the Tertiary age rocks that are exposed throughout the Gulf and Atlantic coastal states. Semiconsolidated conditions also arise from the presence of intercalated clay and caliche within primarily unconsolidated to poorly consolidated units, such as occurs in parts of the High Plains Aquifer; or

iv. *Covered Aquifers (Class Id)?* that are any Class I aquifer overlain by less than 50 feet of low permeability, unconsolidated material, such as glacial till, lacustrine, and loess deposits.

Class Iia Aquifer? Higher Yield Bedrock Aquifer that is consolidated and is moderately vulnerable to

contamination. These aquifers generally consist of fairly permeable sandstone or conglomerate that contain lesser amounts of interbedded fine grained clastics (shale, siltstone, mudstone) and occasionally carbonate units. In general, well yields must exceed 50 gallons per minute to be included in this class. Local fracturing may contribute to the dominant primary porosity and permeability of these systems.

Community Water System (CWS)? a public water system that serves at least 15 service connections used by year-round residents of the area or regularly serves at least 25 year-round residents.

Critically Imperiled Species or Ecological Community (Habitat)? an animal or plant species or an ecological community of extreme rarity, based on The Nature Conservancy's Global Conservation Status Rank. There are generally five or fewer occurrences, or very few remaining individuals (less than 1,000) or acres (less than 2,000). These species and ecological communities are extremely vulnerable to extinction due to some natural or man-made factor.

Depleted Marine Mammal Species? a species that has been identified and is protected under the Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 et seq.). The term "depleted" refers to marine mammal species that are listed as threatened or endangered, or are below their optimum sustainable populations (16 U.S.C. 1362). The term "marine mammal" means "any mammal which is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or primarily inhabits the marine environment (such as the polar bear)" (16 U.S.C. 1364). The order Sirenia includes manatees, the order Pinnipedia includes seals, sea lions, and walruses, and the order Cetacea includes dolphins, porpoises, and whales.

Ecological Community? an interacting assemblage of plants and animals that recur under similar environmental conditions across the landscape.

Element Occurrence Rank (EORANK)? the condition or viability of a species or ecological community occurrence, based on a population's size, condition, and landscape context. EORANKs are assigned by the Natural Heritage Programs. An EORANK of A means an excellent quality and an EORANK of B means good quality.

Imperiled Species or Ecological Community (Habitat)? a rare species or ecological community, based on The Nature Conservancy's Global Conservation Status Rank. There are generally six to 20 occurrences, or few remaining individuals (1,000 to 3,000) or acres (2,000 to 10,000). These species and ecological communities are vulnerable to extinction due to some natural or man-made factor.

Karst Aquifer? an aquifer that is composed of limestone or dolomite where the porosity is derived from connected solution cavities. Karst aquifers are often cavernous with high rates of flow.

Migratory Waterbird Concentration Area? a designated Ramsar site or a Western Hemisphere Shorebird Reserve Network site.

Multi Species Assemblage Area? an area where three or more different critically imperiled or imperiled species or ecological communities, threatened or endangered species, depleted marine mammals, or migratory water bird concentrations co-occur.

Non-Transient Non-community Water System (NTNCWS)? a public water system that regularly serves at least 25 of the same persons over six months per year. Examples of these systems include schools, factories, and hospitals that have their own water supplies.

Public Water System (PWS)? a system that provides the public water for human consumption through pipes or other constructed conveyances, if such systems has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. These systems include the sources of the water supplies, i.e., surface or ground. PWS can be community, non-transient non-community, or transient non-community systems.

Ramsar Site? a site that has been designated under The Convention on Wetlands of International Importance Especially as Waterfowl Habitat program. Ramsar sites are globally critical wetland areas that support migratory waterfowl. These include wetland areas that regularly support 20,000 waterfowl; wetland areas that regularly support substantial numbers of individuals from particular groups of waterfowl, indicative of wetland values, productivity, or diversity; and wetland areas that regularly support 1 percent of the individuals in a population of one species or subspecies of waterfowl.

Sole Source Aquifer (SSA)? an area designed by the U.S. Environmental Protection Agency under the Sole Source Aquifer program as the "sole or principal" source of drinking water for an area. Such designations are made if the aquifer's ground water supplies 50 percent or more of the drinking water for an area, and if that aquifer were to become contaminated, it would pose a public health hazard. A sole source aquifer that is karst in nature is one composed of limestone where the porosity is derived from connected solution cavities. They are often cavernous, with high rates of flow.

Source Water Protection Area (SWPA)? that the area delineated by the state for a public water supply system (PWS) or including numerous PWSs, whether the source is ground water or surface water or both, as part of the state source water assessment program (SWAP) approved by EPA under §1453 of the Safe Drinking Water Act.

Species? species, subspecies, population stocks, or distinct vertebrate populations.

Terrestrial Ecological Community with a Limited Range? a non-aquatic or non-aquatic dependent ecological community that covers less than five acres.

Terrestrial Species with a Limited Range? a non-aquatic or non-aquatic dependent animal or plant species that has a range of no more than five acres.

Threatened and Endangered Species (T&E)? an animal or plant species that has been listed and is protected under the Endangered Species Act of 1973, as amended (ESA 73)(16 U.S.C. 1531 et seq.).

i. *Endangered Species?* any species which is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532).

ii. *Threatened Species?* any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532).

Transient Non-Community Water System (TNCWS)? a public water system that does not regularly serve at least 25

of the same persons over six months per year. This type of water system serves a transient population found at rest stops, campgrounds, restaurants, and parks with their own source of water.

Wellhead Protection Area (WHPA)? the surface and subsurface area surrounding a well or well field that supplies a public water system through which contaminants are likely to pass and eventually reach the water well or well field.

Western Hemisphere Shorebird Reserve Network (WHSRN) Site? an area that contains migratory shorebirds concentrations and has been designated as a hemispheric reserve, international reserve, regional reserve, or endangered species reserve. Hemispheric reserves host at least 500,000 shorebirds annually or 30 percent of a species flyaway population. International reserves host 100,000 shorebirds annually or 15 percent of a species flyaway population. Regional reserves host 20,000 shorebirds annually or 5 percent of a species flyaway population. Endangered species reserves are critical to the survival of endangered species and no minimum number of birds is required.

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§30114. Transportation of Hazardous Liquid or Carbon Dioxide in Pipelines Constructed with Other than Steel Pipe [49 CFR 195.8]

A. No person may transport any hazardous liquid or carbon dioxide through a pipe that is constructed after October 1, 1970, for hazardous liquids or after July 12, 1991, for carbon dioxide of material other than steel unless the person has notified the Commissioner and Administrator in writing at least 90 days before the transportation is to begin. The notice must state whether carbon dioxide or a hazardous liquid is to be transported and the chemical name, common name, properties and characteristics of the hazardous liquid to be transported and the material used in construction of the pipeline. If the Commissioner and Administrator determine that the transportation of the hazardous liquid or carbon dioxide in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the person that gave the notice, in writing, not to transport the hazardous liquid or carbon dioxide in the proposed manner until further notice. [49 CFR 195.8]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2810 (December 2003).

§30116. Responsibility of Operator for Compliance with this Subpart [49 CFR 195.10]

A. An operator may make arrangements with another person for the performance of any action required by this Subpart. However, the operator is not thereby relieved from the responsibility for a compliance with any requirement of this Subpart. [49 CFR 195.10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2810 (December 2003).

Subchapter B. Reporting Accidents and Safety-Related Conditions [Subpart B]

§30125. Reporting Accidents [49 CFR 195.50]

A. An accident report is required for each failure in a pipeline system subject to this Subpart in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following: [49 CFR 195.50]

1. explosion or fire not intentionally set by the operator; [49 CFR 195.50(a)]
2. release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is: [49 CFR 195.50(b)]
 - a. not otherwise reportable under this Section; [49 CFR 195.50(b)(1)]
 - b. not one described in §30127(A)(4); [49 CFR 195.50(b)(2)]
 - c. confined to company property or pipeline right-of-way; and [49 CFR 195.50(b)(3)]
 - d. cleaned up promptly; [49 CFR 195.50(b)(4)]
3. death of any person; [49 CFR 195.50(c)]
4. personal injury necessitating hospitalization; [49 CFR 195.50(d)]
5. estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000. [49 CFR 195.50(e)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:863 (August 1992), LR 21:816 (August 1995), LR 27:1524 (September 2001), LR 29:2811 (December 2003).

§30127. Telephonic Notice of Certain Accidents [49 CFR 195.52]

A. At the earliest practicable moment within two hours following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §30125, the operator of the system shall give notice, in accordance with §30127.B of any failure that: [49 CFR 195.52(a)]

1. caused a death or a personal injury requiring hospitalization; [49 CFR 195.52(a)(1)]
2. resulted in either a fire or explosion not intentionally, set by the operator; [49 CFR 195.52(a)(2)]
3. caused estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000; [49 CFR 195.52(a)(3)]
4. resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or [49 CFR 195.52(a)(4)]
5. in the judgment of the operator was significant even though it did not meet the criteria of any other paragraph of this Section. [49 CFR 195.52(a)(5)]

B. Reports made under §30127.A are made by telephone to (800) 424-8802 (in Washington, D. C. 267-2675) as well

as Louisiana (225) 342-5505 (day or night) and must include the following information: [49 CFR 195.52(b)]

1. name and address of the operator; [49 CFR 195.52(b)(1)]
2. name and telephone number of the reporter; [49 CFR 195.52(b)(2)]
3. the location of the failure; [49 CFR 195.52(b)(3)]
4. the time of the failure; [49 CFR 195.52(b)(4)]
5. the fatalities and personal injuries if any; [49 CFR 195.52(b)(5)]
6. all other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages. [49 CFR 195.52(b)(6)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

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§30131. Accident Reports [49 CFR 195.54]

A. Each operator that experiences an accident that is required to be reported under §30125 shall as soon as practicable, but not later than 30 days after discovery of the accident, prepare and file an accident report on DOT Form 7000-1, and Louisiana's Accident Report Form. [49 CFR 195.54(a)]

B. Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, and Louisiana's Accident Report Form, it shall file a supplemental report within 30 days. [49 CFR 195.54(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:440 (April 1994), LR 29:2811 (December 2003).

§30133. Reporting Safety-Related Conditions [49 CFR 195.55]

A. Except as provided in §30133.B, each operator shall report in accordance with §30135 the existence of any of the following safety-related conditions involving pipeline in service: [49 CFR 195.55(a)]

1. general corrosion that has reduced the wall thickness to less than that required for the maximum operating pressure, and localized corrosion pitting to a degree where leakage might result; [49 CFR 195.55(a)(1)]
2. unintended movement or abnormal loading of a pipeline by environmental causes, such as an earthquake, landslide, or flood that impairs its serviceability; [49 CFR 195.55(a)(2)]
3. any material defect or physical damage that impairs the serviceability of a pipeline; [49 CFR 195.55(a)(3)]
4. any malfunction or operating error that causes the pressure of a pipeline to rise above 110 percent of its maximum operating pressure; [49 CFR 195.55(a)(4)]
5. a leak in a pipeline that constitutes an emergency; [49 CFR 195.55(a)(5)]
6. any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating

pressure or shutdown of operation of a pipeline. [49 CFR 195.55(a)(6)]

B. A report is not required for any safety-related condition that: [49 CFR 195.55(b)]

1. exist on a pipeline that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway, or that occur offshore or at on-shore locations where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water; [49 CFR 195.55(b)(1)]

2. is an accident that is required to be reported under §30125 or results in such an accident before the deadline for filing the safety-related condition report; or [49 CFR 195.55(b)(2)]

3. is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report, except that reports are required for all conditions under §30133.A.1 other than localized corrosion pitting on an effectively coated and cathodically protected pipeline. [49 CFR 195.55(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2811 (December 2003).

§30135. Filing Safety-Related Condition Report

[49 CFR 195.56]

A. Each report of a safety-related condition under §30133.A must be filed (received by the commissioner and administrator) in writing within five working days (not including Saturday, Sunday, or State/Federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. To file a report by telefacsimile (FAX), dial (202) 366-7128 and for Louisiana (225) 342-5529. [49 CFR 195.56(a)]

B. The report must be headed "Safety-Related Condition Report" and provide the following information: [49 CFR 195.56(b)]

1. name and principal address of operator; [49 CFR 195.56(b)(1)]

2. date of report; [49 CFR 195.56(b)(2)]

3. name, job title, and business telephone number of person submitting the report; [49 CFR 195.56(b)(3)]

4. name, job title, and business telephone number of person who determined that the condition exists; [49 CFR 195.56(b)(4)]

5. date condition was discovered and date condition was first determined to exist; [49 CFR 195.56(b)(5)]

6. location of condition, with reference to the state (and town, city, or parish) or offshore site, and as appropriate nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline; [49 CFR 195.56(b)(6)]

7. description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored; [49 CFR 195.56(b)(7)]

8. the corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action. [49 CFR 195.56(b)(8)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:863 (August 1992), LR 20:440 (1994), LR 29:2812 (December 2003).

§30137. Annual Report

A. Each operator of a gathering system in a non-rural area, or of an intrastate transmission system, is required to file an annual report. This report must be submitted each year, not later than March 15, for the preceding calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2812 (December 2003).

§30139. Filing Offshore Pipeline Condition Reports

[49 CFR 195.57]

A. Each operator shall, within 60 days after completion of the inspection of all its underwater pipelines subject to §30413.A, report the following information: [49 CFR 195.57(a)]

1. name and principal address of operator; [49 CFR 195.57(a)(1)]

2. date of report; [49 CFR 195.57(a)(2)]

3. name, job title, and business telephone number of person submitting the report; [49 CFR 195.57(a)(3)]

4. total number of miles (kilometers) of pipeline inspected; [49 CFR 195.57(a)(4)]

5. length and date of installation of each exposed pipeline segment, and location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract; [49 CFR 195.57(a)(5)]

6. length and date of installation of each pipeline segment, if different from a pipeline segment identified under §30139.A.5, that is a hazard to navigation, and the location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract. [49 CFR 195.57(a)(6)]

B. The report shall be mailed to the Information Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590 and concurrently to the Commissioner of Conservation, Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 195.57(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003).

§30140. Address for Written Reports [49 CFR 195.58]

A. Each written report required by this Subchapter must be made to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2335, 400 Seventh Street SW, Washington, DC 20590 and concurrently to Office of Conservation, Pipeline Safety, P.O.

Box 94275, Baton Rouge, LA 70804-9275. Safety-related condition reports required by §30133 for intrastate pipelines must be submitted concurrently to the state agency, and if that agency acts as an agent of the secretary with respect to interstate pipelines, safety related condition reports for these pipelines must be submitted concurrently to that agency. [49 CFR 195.58]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003).

§30141. Abandoned Underwater Facilities Report
[49 CFR 195.59]

A. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway, the last operator of that facility must file a report upon abandonment of that facility. [49 CFR 195.59]

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with NPMS *Standards for Pipeline and Liquefied Natural Gas Operator Submissions*. To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at (703) 317-3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax, or e-mail to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; email, roger.little@rspa.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws. [49 CFR 195.59(a)]

2. Data on pipeline facilities abandoned before October 10, 2000 must be filed before April 10, 2001. Operators may submit reports by mail, fax, email to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; email, roger.little@rspa.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a

certification that the facility has been abandoned in accordance with all applicable laws. [49 CFR 195.59(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003).

§30142. Operator Assistance in Investigation
[49 CFR 195.60]

A. If the Department of Natural Resources investigates an accident, the operator involved shall make available to the representative of the department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident. [49 CFR 195.60]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003).

§30144. Supplies of Accident Report DOT Form 7000-1
[49 CFR 195.62]

A. Each operator shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000-1 and Louisiana's Accident Report Form to enable it to promptly report accidents. The department will, upon request, furnish specimen copies of the form. Requests for DOT Form 7000-1 should be addressed to the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. Requests for Louisiana's Accident Report Form should be addressed to Office of Pipeline Safety, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 195.62]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003).

§30145. OMB Control Number Assigned to Information Collection
[49 CFR 195.63]

A. The control number assigned by the Office of Management and Budget to the hazardous liquid pipeline information collection requirements of this Subpart pursuant to the Paperwork Reduction Act of 1980 is 2137-0047. [49 CFR 195.63]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003).

Subchapter C. Design Requirements [Subpart C]
§30153. Scope [49 CFR 195.100]

A. This Subchapter prescribes minimum design requirements for new pipeline systems constructed with steel pipe and for relocating, replacing, or otherwise changing existing systems constructed with steel pipe. However, it does not apply to the movement of line pipe covered by §30424. [49 CFR 195.100]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2813 (December 2003).

§30155. Qualifying Metallic Components Other than Pipe [49 CFR 195.101]

A. Notwithstanding any requirement of the Subchapter which incorporates by reference an edition of a document listed in §30107, a metallic component other than pipe manufactured in accordance with any other edition of that document is qualified for use if: [49 CFR 195.101]

1. it can be shown through visual inspection of the cleaned component that no defect exists which might impair the strength or tightness of the component; and [49 CFR 195.101(a)]

2. the edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in §30107: [49 CFR 195.101(b)]

- a. pressure testing; [49 CFR 195.101(b)(1)]
- b. materials; and [49 CFR 195.101(b)(2)]
- c. pressure and temperature rating. [49 CFR 195.101(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2814 (December 2003).

§30157. Design Temperature [49 CFR 195.102]

A. Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity. [49 CFR 195.102(a)]

B. Components of carbon dioxide pipelines that are subject to low temperatures during normal operation because of rapid pressure reduction or during the initial fill of the line must be made of materials that are suitable for those low temperatures. [49 CFR 195.102(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2814 (December 2003).

§30159. Variations in Pressure [49 CFR 195.104]

A. If, within a pipeline system, two or more components are to be connected at a place where one will operate at a higher pressure than another, the system must be designed so that any component operating at the lower pressure will not be overstressed. [49 CFR 195.104]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2814 (December 2003).

§30161. Internal Design Pressure [49 CFR 195.106]

A. Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = (2 St/D) \times E \times F$$

P= Internal design pressure in p.s.i. (kPa) gauge.

S= Yield strength in pounds per square inch (kPa) determined in accordance with §30161.B.

t= Nominal wall thickness of the pipe in inches (millimeters). If this is unknown, it is determined in accordance with §30161.C.

D= Nominal outside diameter of the pipe in inches (millimeters).

E= Seam joint factor determined in accordance with §30161.E.

F= A design factor of 0.72, except that a design factor of 0.60 is used for pipe, including risers, on a platform located off-shore or on a platform in inland navigable waters, and 0.54 is used for pipe that has been subjected to cold expansion to meet the specified minimum yield strength and is subsequently heated, other than by welding or stress relieving as a part of welding, to temperature higher than 900°F (482°C) for any period of time or over 600°F (316°C) for more than one hour. [49 CFR 195.106(a)]

B. The yield strength to be used in determining the internal design pressure under §30161.A is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength to be used in the design formula is one of the following: [49 CFR 195.106(b)]

1. the yield strength determined by performing all of the tensile tests of API Specification 5L on randomly selected specimens with the following number of tests: [49 CFR 195.106(b)(1)(i)]

Pipe Size	Number of Tests
Less than 6-5/8 in. (168.3 mm) nominal outside diameter	One test for each 200 lengths
6-5/8 through 12-3/4 in. (168 through 323 mm.) nominal outside diameter	One test for each 100 lengths
Larger than 12-3/4 in. (324 mm.) nominal outside diameter	One test for each 50 lengths

2. if the average yield-tensile ratio exceeds 0.85, the yield strength shall be taken as 24,000 psi (165,474 kPa). If the average yield tensile ratio is 0.85 or less, the yield strength of the pipe is taken as the lower of the following: [49 CFR 195.106(b)(1)(ii)]

a. eighty percent of the average yield strength determined by the tensile tests; [49 CFR 195.106(b)(1)(ii)(A)]

b. the lowest yield strength determined by the tensile tests; [49 CFR 195.106(b)(1)(ii)(B)]

3. if the pipe is not tensile tested as provided in Subsection B, the yield strength shall be taken as 24,000 psi (165,474 kPa). [49 CFR 195.106(b)(2)]

C. If the nominal wall thickness to be used in determining internal design pressure under §30161.A is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end. However, if the pipe is of uniform grade, size, and thickness, only 10 individual lengths or five percent of all lengths, whichever is greater, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used is the next wall thickness found in commercial specifications that is below the average of all the measurement taken. However, the nominal wall thickness may not be more than 1.14 times the smallest measurement taken on pipe that is less than 20 in. (508 mm) nominal outside diameter, nor more than 1.11 times the smallest measurement taken on pipe that is 20 in. (508 mm) or more in nominal outside diameter. [49 CFR 195.106(c)]

D. The minimum wall thickness of the pipe may not be less than 87.5 percent of the value used for nominal wall thickness in determining the internal design pressure under §30161.A. In addition, the anticipated external loads and external pressures that are concurrent with internal pressure

must be considered in accordance with §30163 and §30165 and, after determining the internal design pressure, the nominal wall thickness must be increased as necessary to compensate for these concurrent loads and pressures. [49 CFR 195.106(d)]

E.1. The seam joint factor used in §30161.A is determined in accordance with the following table. [49 CFR 195.106(e)]

Specification	Pipe Class	Seam Joint Factor
ASTMA53	Seamless	1.00
	Electric resistance Welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTMA 106	Seamless	1.00
	Seamless	1.00
ASTMA 333/A 333M	Seamless	1.00
	Welded	1.00
ASTMA381	Double submerged arc welded	1.00
ASTMA671	Electric fusion welded	1.00
ASTMA672	Electric fusion welded	1.00
ASTMA691	Electric fusion welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60

2. The seam joint factor for pipe which is not covered by this Subsection must be approved by the Commissioner/Administrator. [49 CFR 195.106(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (1994), LR 21:817 (August 1995), LR 27:1525 (September 2001), LR 29:2814 (December 2003).

§30163. External Pressure [49 CFR 195.108]

A. Any external pressure that will be exerted on the pipe must be provided for in designing a pipeline system. [49 CFR 195.108]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2815 (December 2003).

§30165. External Loads [49 CFR 195.110]

A. Anticipated external loads (e.g., earthquakes, vibration, thermal expansion, and contraction) must be provided for in designing a pipeline system. In providing for expansion and flexibility, Section 419 of ASME/ANSI B31.4 must be followed. [49 CFR 195.110(a)]

B. The pipe and other components must be supported in such a way that the support does not cause excess localized stresses. In designing attachments to pipe, the added stress to the wall of the pipe must be computed and compensated for. [49 CFR 195.110(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (1994), LR 29:2815 (December 2003).

§30167. Fracture Propagation [49 CFR 195.111]

A. A carbon dioxide pipeline system must be designed to mitigate the effects of fracture propagation. [49 CFR 195.111]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 18:864 (August 1992), amended LR 29:2815 (December 2003).

§30169. New Pipe [49 CFR 195.112]

A. Any new pipe installed in a pipeline system must comply with the following. [49 CFR 195.112]

1. The pipe must be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system. [49 CFR 195.112(a)]

2. The pipe must be made in accordance with a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended. [49 CFR 195.112(b)]

3. Each length of pipe with a nominal outside diameter of 4-1/2 in. (114.3 mm) or more must be marked on the pipe or pipe coating with the specification to which it was made, the specified minimum yield strength or grade, and the pipe size. The marking must be applied in a manner that does not damage the pipe or pipe coating and must remain visible until the pipe is installed. [49 CFR 195.112(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:817 (August 1995), LR 27:1525 (September 2001), LR 29:2815 (December 2003).

§30171. Used Pipe [49 CFR 195.114]

A. Any used pipe installed in a pipeline system must comply with §30169.A.1.2, and the following. [49 CFR 195.114]

1. The pipe must be of a known specification and the seam joint factor must be determined in accordance with §30161.E. If the specified minimum yield strength or the wall thickness is not known, it is determined in accordance with §30161.B or §30161.C as appropriate. [49 CFR 195.114(a)]

2. There may not be any: [49 CFR 195.114(b)]

a. buckles; [49 CFR 195.114(b)(1)]

b. cracks, grooves, gouges, dents, or other surface defects that exceed the maximum depth of such a defect permitted by the specification to which the pipe was manufactured; or [49 CFR 195.114(b)(2)]

c. corroded areas where the remaining wall thickness is less than the minimum thickness required by the tolerances in the specification to which the pipe was manufactured. However, pipe that does not meet the requirements of §30171.A.2.c. may be used if the operating pressure is reduced to be commensurate with the remaining wall thickness. [49 CFR 195.114(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2815 (December 2003).

§30173. Valves [49 CFR 195.116]

A. Each valve installed in a pipeline system must comply with the following. [49 CFR 195.116]

1. The valve must be of a sound engineering design. [49 CFR 195.116(a)]
2. Materials subject to the internal pressure of the pipeline system, including welded and flanged ends, must be compatible with the pipe or fittings to which the valve is attached. [49 CFR 195.116(b)]
3. Each part of the valve that will be in contact with the carbon dioxide or hazardous liquid stream must be made of materials that are compatible with carbon dioxide or each hazardous liquid that it is anticipated will flow through the pipeline system. [49 CFR 195.116(c)]
4. Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in section 5 of API Standard 6D. [49 CFR 195.116(d)]

5. Each valve other than a check valve must be equipped with a means for clearly indicating the position of the valve (open, closed, etc.). [49 CFR 195.116(e)]

6. Each valve must be marked on the body or the nameplate, with at least the following: [49 CFR 195.116(f)]

- a. manufacturer's name or trademark; [49 CFR 195.116(f)(1)]
- b. class designation or the maximum working pressure to which the valve may be subjected; [49 CFR 195.116(f)(2)]
- c. body material designation (the end connection material, if more than one type is used); [49 CFR 195.116(f)(3)]
- d. nominal valve size. [49 CFR 195.116(f)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2816 (December 2003).

§30175. Fittings [49 CFR 195.118]

A. Butt-welding type fittings must meet the marking, end preparation, and the bursting strength requirements of ASME/ANSI B16.9 or MSS Standard Practice SP-75. [49 CFR 195.118(a)]

B. There may not be any buckles, dents, cracks, gouges, or other defects in the fitting that might reduce the strength of the fitting. [49 CFR 195.118(b)]

C. The fitting must be suitable for the intended service and be at least as strong as the pipe and other fittings in the pipeline system to which it is attached. [49 CFR 195.118(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (1994), LR 29:2816 (December 2003).

§30177. Passage of Internal Inspection Devices [49 CFR 195.120]

A. Except as provided in Subsections B and C of this Section, each new pipeline and each line section of a pipeline where the line pipe, valve, fitting or other line component is replaced; must be designed and constructed to accommodate the passage of instrumented internal inspection devices. [49 CFR 195.120(a)]

- B. This Section does not apply to: [49 CFR 195.120(b)]
1. manifolds; [49 CFR 195.120(b)(1)]
 2. station piping such as at pump stations, meter stations, or pressure reducing stations; [49 CFR 195.120(b)(2)]
 3. piping associated with tank farms and other storage facilities; [49 CFR 195.120(b)(3)]
 4. cross-overs; [49 CFR 195.120(b)(4)]
 5. sizes of pipe for which an instrumented internal inspection device is not commercially available; [49 CFR 195.120(b)(5)]
 6. offshore pipelines, other than main lines 10 inches (254 mm.) or greater in nominal diameter, that transport liquids to onshore facilities; and [49 CFR 195.120(b)(6)]
 7. other piping that the administrator under CFR Part 190.9 and the commissioner under Chapter 313 of this Subpart, finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices. [49 CFR 195.120(b)(7)]

C. An operator encountering emergencies, construction time constraints and other unforeseen construction problems need not construct a new or replacement segment of a pipeline to meet §30177.A, if the operator determines and documents why an impracticability prohibits compliance with §30177.A. Within 30 days after discovering the emergency or construction problem the operator must petition, under CFR Part 190 and Chapter 313 of this Subpart, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within one year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices. [49 CFR 195.120(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:817 (August 1995), LR 27:1526 (September 2001), LR 29:2816 (December 2003).

§30179. Fabricated Branch Connections [49 CFR 195.122]

A. Each pipeline system must be designed so that the addition of any fabricated branch connections will not reduce the strength of the pipeline system. [49 CFR 195.122]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2816 (December 2003).

§30181. Closures [49 CFR 195.124]

A. Each closure to be installed in a pipeline system must comply with the ASME Boiler and Pressure Vessel Code, section VIII, Pressure Vessels, Division 1, and must have pressure and temperature ratings at least equal to those of the pipe to which the closure is attached. [49 CFR 195.124]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2816 (December 2003).

§30183. Flange Connection [49 CFR 195.126]

A. Each component of a flange connection must be compatible with each other component and the connection as a unit must be suitable for the service in which it is to be used. [49 CFR 195.126]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2817 (December 2003).

§30185. Station Piping [49 CFR 195.128]

A. Any pipe to be installed in a station that is subject to system pressure must meet the applicable requirements of this Subchapter. [49 CFR 195.128]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2817 (December 2003).

§30187. Fabricated Assemblies [49 CFR 195.130]

A. Each fabricated assembly to be installed in a pipeline system must meet the applicable requirements of this Subchapter. [49 CFR 195.130]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2817 (December 2003).

§30189. Design and Construction of Above Ground Breakout Tanks [49 CFR 195.132]

A. Each above ground breakout tank must be designed and constructed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads. [49 CFR 195.132(a)]

B. For aboveground breakout tanks first placed in service after October 2, 2000, compliance with Subsection A. of this Section requires one of the following. [49 CFR 195.132(b)]

1. Shop-fabricated, vertical, cylindrical, closed top, welded steel tanks with nominal capacities of 90 to 750 barrels (14.3 to 119.2 m³) and with internal vapor space pressures that are approximately atmospheric must be designed and constructed in accordance with API Specification 12F. [49 CFR 195.132(b)(1)]

2. Welded, low-pressure [i.e., internal vapor space pressure not greater than 15 psig (103.4 kPa)], carbon steel tanks that have wall shapes that can be generated by a single vertical axis of revolution must be designed and constructed in accordance with API Standard 620. [49 CFR 195.132(b)(2)]

3. Vertical, cylindrical, welded steel tanks with internal pressures at the tank top approximately atmospheric pressures [i.e., internal vapor space pressures not greater than 2.5 psig (17.2 kPa), or not greater than the pressure developed by the weight of the tank roof] must be designed and constructed in accordance with API Standard 650. [49 CFR 195.132(b)(3)]

4. High pressure steel tanks [i.e., internal gas or vapor space pressures greater than 15 psig (103.4 kPa)] with a nominal capacity of 2000 gallons (7571 liters) or more of liquefied petroleum gas (LPG) must be designed and constructed in accordance with API Standard 2510. [49 CFR 195.132(b)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2817 (December 2003).

§30191. CPM Leak Detection [49 CFR 195.134]

A. This Section applies to each hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid). On such systems, each new computational pipeline monitoring (CPM) leak detection system and each replaced component of an existing CPM system must comply with section 4.2 of API 1130 in its design and with any other design criteria addressed in API 1130 for components of the CPM leak detection system. [49 CFR 195.134]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1526 (September 2001), LR 29:2817 (December 2003).

Chapter 302. Transportation of Hazardous Liquids by Pipeline? Construction [49 CFR Part 195 Subpart D]

§30200. Scope [49 CFR 195.200]

A. This Chapter prescribes minimum requirements for constructing new pipeline systems with steel pipe, and for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe. However, this Chapter does not apply to the movement of pipe covered by §30424. [49 CFR 195.200]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2817 (December 2003).

§30202. Compliance with Specifications or Standards [49 CFR 195.202]

A. Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this Subpart. [49 CFR 195.202]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2817 (December 2003).

§30204. Inspection? General [49 CFR 195.204]

A. Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this Chapter. Each operator shall notify by facsimile [(225) 342-5529] the Pipeline Safety Section of the Office of Conservation, Louisiana Department of Natural Resources, of proposed pipeline construction at least seven days prior to commencement of said construction. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction to be inspected. [49 CFR 195.204]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2817 (December 2003).

§30205. Repair, Alteration and Reconstruction of Aboveground Breakout Tanks that have been in Service [49 CFR 195.205]

A. Aboveground breakout tanks that have been repaired, altered, or reconstructed and returned to service must be capable of withstanding the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads. [49 CFR 195.205(a)]

B. After October 2, 2000, compliance with Subsection A of this Section requires the following for the tanks specified. [49 CFR 195.205(b)]

1. For tanks designed for approximately atmospheric pressure constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated and tanks built to API Standard 650 or its predecessor Standard 12C, repair, alteration, and reconstruction must be in accordance with API Standard 653. [49 CFR 195.205(b)(1)]

2. For tanks built to API Specification 12F or API Standard 620, the repair, alteration, and reconstruction must be in accordance with the design, welding, examination, and material requirements of those respective standards. [49 CFR 195.205(b)(2)]

3. For high pressure tanks built to API Standard 2510, repairs, alterations, and reconstruction must be in accordance with API 510. [49 CFR 195.205(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30206. Material Inspection [49 CFR 195.206]

A. No pipe or other component may be installed in a pipeline system unless it has been visually inspected at the site of installation to ensure that it is not damaged in a manner that could impair its strength or reduce its serviceability. [49 CFR 195.206]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30208. Welding of Supports and Braces [49 CFR 195.208]

A. Supports or braces may not be welded directly to pipe that will be operated at a pressure of more than 100 p.s.i. (689 Kpa) gage. [49 CFR 195.208]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30210. Pipeline Location [49 CFR 195.210]

A. Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly. [49 CFR 195.210(a)]

B. No pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in §30248. [49 CFR 195.210(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30212. Bending of Pipe [49 CFR 195.212]

A. Pipe must not have a wrinkle bend. [49 CFR 195.212(a)]

B. Each field bend must comply with the following: [49 CFR 195.212(b)]

1. a bend must not impair the serviceability of the pipe; [49 CFR 195.212(b)(1)]

2. each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage; [49 CFR 195.212(b)(2)]

3. on pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless: [49 CFR 195.212(b)(3)]

a. the bend is made with an internal bending mandrel; or [49 CFR 195.212(b)(3)(i)]

b. the pipe is 12-3/4 in. (324 mm.) or less nominal outside diameter or has a diameter to wall thickness ratio less than 70. [49 CFR 195.212(b)(3)(ii)]

C. Each circumferential weld which is located where the stress during bending causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process. [49 CFR 195.212(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30214. Welding: General [49 CFR 195.214]

A. Welding must be performed by qualified welder in accordance with welding procedures qualified to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify the procedure shall be determined by destructive testing. [49 CFR 195.214(a)]

B. Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used. [49 CFR 195.214(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30216. Welders: Miter Joints [49 CFR 195.216]

A. A miter joint is not permitted (not including deflections up to three degrees that are caused by misalignment). [49 CFR 195.216]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30222. Welding: Qualification of Welders [49 CFR 195.222]

A. Each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code, except that a welder qualified under an earlier edition than listed in §30107 may weld but may not requalify under that earlier edition. [49 CFR 195.222]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003).

§30224. Welding: Weather [49 CFR 195.224]

A. Welding must be protected from weather conditions that would impair the quality of the completed weld. [49 CFR 195.224]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30226. Welding: Arc Burns [49 CFR 195.226]

A. Each arc burn must be repaired. [49 CFR 195.226(a)]

B. An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerances in the specification to which the pipe is manufactured. If a notch is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed. [49 CFR 195.226(b)]

C. A ground may not be welded to the pipe or fitting that is being welded. [49 CFR 195.226(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30228. Welds and Welding Inspection: Standards of Acceptability [49 CFR 195.228]

A. Each weld and welding must be inspected to insure compliance with the requirements of this Chapter. Visual inspection must be supplemented by nondestructive testing. [49 CFR 195.228(a)]

B. The acceptability of a weld is determined according to the standards in Section 6 of API Standard 1104. However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if the Appendix to API Standard 1104 applies to the weld, the acceptability of the weld may be determined under that appendix. [49 CFR 195.228(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30230. Welds: Repair or Removal of Defects [49 CFR 195.230]

A. Each weld that is unacceptable under §30228 must be removed or repaired. Except for welds on an off-shore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than 8 percent of the weld length. [49 CFR 195.230(a)]

B. Each weld that is repaired must have the defect removed down to sound metal and the segment to be repaired must be preheated if conditions exist which would adversely affect the quality of the weld repair. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability. [49 CFR 195.230(b)]

C. Repair of a crack, or of any defect in a previously repaired area must be in accordance with written weld repair procedures that have been qualified under §30214. Repair procedures must provide that the minimum mechanical properties specified for the welding procedure used to make

the original weld are met upon completion of the final weld repair. [49 CFR 195.230(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30234. Welds: Nondestructive Testing [49 CFR 195.234]

A. A weld may be nondestructively tested by any process that will clearly indicate any defects that may affect the integrity of the weld. [49 CFR 195.234(a)]

B. Any nondestructive testing of welds must be performed: [49 CFR 195.234(b)]

1. in accordance with a written set of procedures for nondestructive testing; and [49 CFR 195.234(b)(1)]

2. with personnel that have been trained in the established procedures and in the use of the equipment employed in the testing. [49 CFR 195.234(b)(2)]

C. Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under §30228. [49 CFR 195.234(c)]

D. During construction, at least 10 percent of the girth welds made by each welder during each welding day must be nondestructively tested over the entire circumference of the weld. [49 CFR 195.234(d)]

E. All girth welds installed each day in the following locations must be nondestructively tested over their entire circumference, except that when nondestructive testing is impracticable for a girth weld, it need not be tested if the number of girth welds for which testing is impracticable does not exceed 10 percent of the girth welds installed that day: [49 CFR 195.234(e)]

1. at any onshore location where a loss of hazardous liquid could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water, and any offshore area; [49 CFR 195.234(e)(1)]

2. within railroad or public road rights-of-way; [49 CFR 195.234(e)(2)]

3. at overhead road crossings and within tunnels; [49 CFR 195.234(e)(3)]

4. within the limits of any incorporated subdivision of a state government; and [49 CFR 195.234(e)(4)]

5. within populated areas, including, but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly. [49 CFR 195.234(e)(5)]

F. When installing used pipe, 100 percent of the old girth welds must be nondestructively tested. [49 CFR 195.234(f)]

G. At pipeline tie-ins, including tie-ins of replacement sections, 100 percent of the girth welds must be nondestructively tested. [49 CFR 195.234(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30246. Installation of Pipe in a Ditch [49 CFR 195.246]

A. All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses

and the possibility of damage to the pipe. [49 CFR 195.246(a)]

B. Except for pipe in the Gulf of Mexico and its inlets, all offshore pipe in water at least 12 feet (3.7 m.) deep but not more than 200 feet (61 m.) deep, as measured from the mean low tide, must be installed so that the top of the pipeline is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means. [49 CFR 195.246(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003).

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Chapter, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table. [49 CFR 195.248(a)]

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 ft. (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Gulf of Mexico and its inlets and other offshore areas under water less than 12 ft. (3.7 meters) deep as measured from the mean low tide	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of Mexico and its inlets, less cover than the minimum required by §30248.A and §30210 may be used if: [49 CFR 195.248(b)]

1. it is impracticable to comply with the minimum cover requirements; and [49 CFR 195.248(b)(1)]

2. additional protection is provided that is equivalent to the minimum required cover. [49 CFR 195.248(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30250. Clearance Between Pipe and Underground Structures [49 CFR 195.250]

A. Any pipe installed underground must have at least 12 inches (305 millimeters) of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than 12 inches (305 millimeters) but not less than two inches (51 millimeters). However, where

12 inches (305 millimeters) of clearance is impracticable, the clearance may be reduced if adequate provisions are made for corrosion control. [49 CFR 195.250]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30252. Backfilling [49 CFR 195.252]

A Backfilling must be performed in a manner that protects any pipe coating and provides firm support for the pipe. [49 CFR 195.252]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30254. Above Ground Components [49 CFR 195.254]

A. Any component may be installed above ground in the following situations, if the other applicable requirements of this Subpart are complied with: [49 CFR 195.254(a)]

1. overhead crossing of highways, railroads, or body of water; [49 CFR 195.254(a)(1)]

2. spans over ditches and gullies; [49 CFR 195.254(a)(2)]

3. scraper traps or block valves; [49 CFR 195.254(a)(3)]

4. area under the direct control of the operator; [49 CFR 195.254(a)(4)]

5. in any area inaccessible to the public. [49 CFR 195.254(a)(5)]

B. Each component covered by §30254 must be protected from the forces exerted by the anticipated loads. [49 CFR 195.254(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30256. Crossing of Railroads and Highways [49 CFR 195.256]

A. The pipe at each railroad or highway crossing must be installed so as to adequately withstand the dynamic forces exerted by anticipated traffic loads. [49 CFR 195.256]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30258. Valves: General [49 CFR 195.258]

A. Each valve must be installed in a location that is accessible to authorized employees and that is protected from damage or tampering. [49 CFR 195.258(a)]

B. Each submerged valve located offshore or in inland navigable waters must be marked, or located by conventional survey techniques, to facilitate quick location when operation of the valve is required. [49 CFR 195.258(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003).

§30260. Valves: Location [49 CFR 195.260]

A. A valve must be installed at each of the following locations: [49 CFR 195.260]

1. on the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency; [49 CFR 195.260(a)]

2. on each line entering or leaving a breakout storage tank area in a manner that permits isolation of the tank area from other facilities; [49 CFR 195.260(b)]

3. on each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas; [49 CFR 195.260(c)]

4. on each lateral takeoff from a trunk line in a manner that permits shutting off the lateral without interrupting the flow in the trunk line; [49 CFR 195.260(d)]

5. on each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark unless the Commissioner and Administrator finds in a particular case that valves are not justified; [49 CFR 195.260(e)]

6. on each side of a reservoir holding water for human consumption. [49 CFR 195.260(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003).

§30262. Pumping Equipment [49 CFR 195.262]

A. Adequate ventilation must be provided in pump station buildings to prevent the accumulation of hazardous vapors. Warning devices must be installed to warn of the presence of hazardous vapors in the pumping station building. [49 CFR 195.262(a)]

B. The following must be provided in each pump station: [49 CFR 195.262(b)]

1. safety devices that prevent overpressuring of pumping equipment, including the auxiliary pumping equipment within the pumping station; [49 CFR 195.262(b)(1)]

2. a device for the emergency shutdown of each pumping station; [49 CFR 195.262(b)(2)]

3. if power is necessary to actuate the safety devices, an auxiliary power supply. [49 CFR 195.262(b)(3)]

C. Each safety device must be tested under conditions approximating actual operations and found to function properly before the pumping station may be used. [49 CFR 195.262(c)]

D. Except for offshore pipelines, pumping equipment must be installed on property that is under the control of the operator and at least 50 ft. (15.2 m.) from the boundary of the pump station. [49 CFR 195.262(d)]

E. Adequate fire protection must be installed at each pump station. If the fire protection system installed requires the use of pumps, motive power must be provided for those pumps that is separate from the power that operates the station. [49 CFR 195.262(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003).

§30264. Impoundment, Protection against Entry, Normal/Emergency Venting or Pressure/Vacuum Relief for Aboveground Breakout Tanks [49 CFR 195.264]

A. A means must be provided for containing hazardous liquids in the event of spillage or failure of an aboveground breakout tank. [49 CFR 195.264(a)]

B. After October 2, 2000, compliance with Paragraph A. of this Section requires the following for the aboveground breakout tank specified. [49 CFR 195.264(b)]

1. For tanks built to API Specification 12F, API Standard 620, and others (such as API Standard 650 or its predecessor Standard 12C), the installation of impoundment must be in accordance with the following sections of NFPA 30: [49 CFR 195.264(b)(1)]

a. impoundment around a breakout tank must be installed in accordance with Section 2-3.4.3; and [49 CFR 195.264(b)(1)(i)]

b. impoundment by drainage to a remote impounding area must be installed in accordance with Section 2-3.4.2. [49 CFR 195.264(b)(1)(ii)]

2. For tanks built to API Standard 2510, the installation of impoundment must be in accordance with Section 3 or 9 of API Standard 2510. [49 CFR 195.264(b)(2)]

C. Aboveground breakout tank areas must be adequately protected against unauthorized entry. [49 CFR 195.264(c)]

D. Normal/emergency relief venting must be provided for each atmospheric pressure breakout tank. Pressure/vacuum-relieving devices must be provided for each low-pressure and high-pressure breakout tank. [49 CFR 195.264(d)]

E. For normal/emergency relief venting and pressure/vacuum-relieving devices installed on aboveground breakout tanks after October 2, 2000, compliance with Subsection D of this Section requires the following for the tanks specified. [49 CFR 195.264(e)]

1. Normal/emergency relief venting installed on atmospheric pressure tanks built to API Specifications 12F must be in accordance with Section 4, and Appendices B and C, of API Specification 12F. [49 CFR 195.264(e)(1)]

2. Normal/emergency relief venting installed on atmospheric pressure tanks (such as those built to API Standard 650 or its predecessor Standard 12C) must be in accordance with API Standard 2000. [49 CFR 195.264(e)(2)]

3. Pressure-relieving and emergency vacuum relieving devices installed on low pressure tanks built to API Standard 620 must be in accordance with Section 7 of API Standard 620 and its references to the normal and emergency venting requirements in API Standard 2000. [49 CFR 195.264(e)(3)]

4. Pressure and vacuum-relieving devices installed on high pressure tanks built to API Standard 2510 must be in accordance with Sections 5 or 9 of API Standard 2510. [49 CFR 195.264(e)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003).

§30266. Construction Records [49 CFR 195.266]

A. A complete record that shows the following must be maintained by the operator involved for the life of each pipeline facility: [49 CFR 195.266]

1. the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld; [49 CFR 195.266(a)]
2. the amount, location, and cover of each size of pipe installed; [49 CFR 195.266(b)]
3. the location of each crossing of another pipeline; [49 CFR 195.266(c)]
4. the location of each buried utility crossing; [49 CFR 195.266(d)]
5. the location of each overhead crossing; [49 CFR 195.266(e)]
6. the location of each valve and corrosion test station. [49 CFR 195.266(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2822 (December 2003).

Chapter 303. Transportation of Hazardous Liquids by Pipeline? Pressure Testing [49 CFR Part 195 Subpart E]

§30300. Scope [49 CFR 195.300]

A. This Chapter prescribes minimum requirements for the pressure testing of steel pipelines. However, this Chapter does not apply to movement of pipe under §30424. [49 CFR 195.300]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2822 (December 2003).

§30302. General Requirements [49 CFR 195.302]

A. Except as otherwise provided in this Section and in §30305.B, no operator may operate a pipeline unless it has been pressure tested under this Chapter without leakage. In addition, no operator may return to service a segment of pipeline that has been replaced, relocated, or otherwise changed until it has been pressure tested under this Chapter without leakage. [49 CFR 195.302(a)]

B. Except for pipelines converted under §30111, the following pipelines may be operated without pressure testing under this Chapter. [49 CFR 195.302(b)]

1. Any hazardous liquid pipeline whose maximum operating pressure is established under §30406.A.5 that is: [49 CFR 195.302(b)(1)]
 - a. an interstate pipeline constructed before January 8, 1971; [49 CFR 195.302(b)(1)(i)]
 - b. an interstate offshore gathering line constructed before August 1, 1977; [49 CFR 195.302(b)(1)(ii)]
 - c. an intrastate pipeline constructed before October 21, 1985; or [49 CFR 195.302(b)(1)(iii)]
 - d. a low-stress pipeline constructed before August 11, 1994 that transports HVL. [49 CFR 195.302(b)(1)(iv)]
2. Any carbon dioxide pipeline constructed before July 12, 1991, that: [49 CFR 195.302(b)(2)]
 - a. has its maximum operating pressure established under §30406.A.5; or [49 CFR 195.302(b)(2)(i)]
 - b. is located in a rural area as part of a production field distribution system. [49 CFR 195.302(b)(2)(ii)]

3. Any low-stress pipeline constructed before August 11, 1994 that does not transport HVL. [49 CFR 195.302(b)(3)]

C. Except for pipelines that transport HVL onshore and low-stress pipelines, the following compliance deadlines apply to pipelines under Paragraph B.1 and Subparagraph B.2.a of this Section that have not been pressure tested under this Chapter. [49 CFR 195.302(c)]

1. Before December 7, 1998, for each pipeline each operator shall: [49 CFR 195.302(c)(1)]
 - a. plan and schedule testing, according to this subsection; or [49 CFR 195.302(c)(1)]
 - b. establish the pipelines maximum operating pressure under §30406.A.5. [49 CFR 195.302(c)(1)(ii)]
2. For pipelines scheduled for testing, each operator shall: [49 CFR 195.302(c)(2)]
 - a. before December 7, 2000, pressure test: [49 CFR 195.302(c)(2)(i)]
 - i. each pipeline identified by name, symbol, or otherwise that existing records show contains more than 50 percent by mileage (length) of electric resistance welded pipe manufactured before 1970; and [49 CFR 195.302(c)(2)(i)(A)]
 - ii. at least 50 percent of the mileage (length) of all other pipelines; and [49 CFR 195.302(c)(2)(i)(B)]
 - b. before December 7, 2003, pressure test the remainder of the pipeline mileage (length). [49 CFR 195.302(c)(2)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2822 (December 2003).

§30304. Test Pressure [49 CFR 195.304]

A. The test pressure for each pressure test conducted under this Chapter must be maintained throughout the part of the system being tested for at least four continuous hours at a pressure equal to 125 percent, or more, of the maximum operating pressure and, in the case of a pipeline that is not visually inspected for leakage during the test, for at least an additional four continuous hours at a pressure equal to 110 percent, or more, of the maximum operating pressure. [49 CFR 195.304]

AUTHORITY NOTE: Promulgated in accordance with R.S.30:703

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2822 (December 2003).

§30305. Testing of Components [49 CFR 195.305]

A. Each pressure test under §30302 must test all pipe and attached fittings, including components, unless otherwise permitted by §30305.B. [49 CFR 195.305(a)]

B. A component, other than pipe, that is the only item being replaced or added to the pipeline system need not be hydrostatically tested under §30305.A if the manufacturer certifies that either: [49 CFR 195.305(b)]

1. the component was hydrostatically tested at the factory; or [49 CFR 195.305(b)(1)]
2. the component was manufactured under a quality control system that ensures each component is at least equal in strength to a prototype that was hydrostatically tested at the factory. [49 CFR 195.305(b)(2)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2822 (December 2003).

§30306. Test Medium [49 CFR 195.306]

A. Except as provided in §30306.B, C, and D, water must be used as the test medium. [49 CFR 195.306(a)]

B. Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if: [49 CFR 195.306(b)]

1. the entire pipeline section under test is outside of cities and other populated areas; [49 CFR 195.306(b)(1)]

2. each building within 300 feet (91 meters) of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength; [49 CFR 195.306(b)(2)]

3. the test section is kept under surveillance by regular patrols during the test; and [49 CFR 195.306(b)(3)]

4. continuous communication is maintained along entire test section. [49 CFR 195.306(b)(4)]

C. Carbon dioxide pipelines may use inert gas or carbon dioxide as the test medium if: [49 CFR 195.306(c)]

1. the entire pipeline section under test is outside of cities and other populated areas; [49 CFR 195.306(c)(1)]

2. each building within 300 feet (91 meters) of the test section is unoccupied while the test pressure is equal to or greater than a pressure that produces a hoop stress of 50 percent of specified minimum yield strength; [49 CFR 195.306(c)(2)]

3. the maximum hoop stress during the test does not exceed 80 percent of specified minimum yield strength; [49 CFR 195.306(c)(3)]

4. continuous communication is maintained along entire test section; and [49 CFR 195.306(c)(4)]

5. the pipe involved is new pipe having a longitudinal joint factor of 1.00. [49 CFR 195.306(c)(5)]

D. Air or inert gas may be used as the test medium in low stress pipelines. [49 CFR 195.306(d)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003).

§30307. Pressure Testing Aboveground Breakout Tanks [49 CFR 195.307]

A. For aboveground breakout tanks built to API Specification 12F and first placed in service after October 2, 2000, pneumatic testing must be in accordance with Section 5.3 of API Specification 12 F. [49 CFR 195.307(a)]

B. For aboveground breakout tanks built to API Standard 620 and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with Section 5.18 of API Standard 620. [49 CFR 195.307(b)]

C. For aboveground breakout tanks built to API Standard 650 and first placed in service after October 2, 2000 hydrostatic and pneumatic testing must be in accordance with Section 5.3 of API Standard 650. [49 CFR 195.307(c)]

D. For aboveground atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated and tanks built to API Standard 650 or its predecessor Standard 12C that are returned to

service after October 2, 2000, the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in Section 10.3 of API Standard 653. [49 CFR 195.307(d)]

E. For aboveground breakout tanks built to API Standard 2510 and first placed in service after October 2, 2000 pressure testing must be in accordance with ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 or 2. [49 CFR 195.307(e)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003).

§30308. Testing of Tie-Ins [49 CFR 195.308]

A. Pipe associated with tie-ins must be pressure tested, either with the section to be tied in or separately. [49 CFR 195.308]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003).

§30310. Records [49 CFR 195.310]

A. A record must be made of each pressure test required by this Chapter, and the record of the latest test must be retained as long as the facility tested is in use. [49 CFR 195.310(a)]

B. The record required by §30310.A must include: [49 CFR 195.310(b)]

1. the pressure recording charts; [49 CFR 195.310(b)(1)]

2. test instrument calibration data; [49 CFR 195.310(b)(2)]

3. the name of the operator, the name of the person responsible for making the test, and the name of the test company used, if any; [49 CFR 195.310(b)(3)]

4. the date and time of the test; [49 CFR 195.310(b)(4)]

5. the minimum test pressure; [49 CFR 195.310(b)(5)]

6. the test medium; [49 CFR 195.310(b)(6)]

7. a description of the facility tested and the test apparatus; [49 CFR 195.310(b)(7)]

8. an explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; and [49 CFR 195.310(b)(8)]

9. where elevation differences in the section under test exceed 100 feet (30 meters), a profile of the pipeline that shows the elevation and test sites over the entire length of the test section. [49 CFR 195.310(b)(9)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003).

Chapter 304. Transportation of Hazardous Liquids by Pipeline? Operation and Maintenance [49 CFR Part 195 Subpart F]

§30400. Scope [49 CFR 195.400]

A. This Chapter prescribes minimum requirements for operating and maintaining pipeline systems constructed with steel pipe. [49 CFR 195.400]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003).

§30401. General Requirements [49 CFR 195.401]

A. No operator may operate or maintain its pipeline systems at a level of safety lower than that required by this Chapter and the procedures it is required to establish under §30402.A. [49 CFR 195.401(a)]

B. Whenever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition. [49 CFR 195.401(b)]

C. Except as provided by §30111, no operator may operate any part of any of the following pipelines unless it was designed and constructed as required by this Subpart: [49 CFR 195.401(c)]

1. an interstate pipeline, other than a low-stress pipeline, on which construction was begun after March 31, 1970, that transports hazardous liquid; [49 CFR 195.401(c)(1)]

2. an interstate offshore gathering line, other than a low-stress pipeline, on which construction was begun after July 31, 1977, that transports hazardous liquid; [49 CFR 195.401(c)(2)]

3. an intrastate pipeline, other than a low-stress pipeline, on which construction was begun after October 20, 1985, that transports hazardous liquid; [49 CFR 195.401(c)(3)]

4. a pipeline, on which construction was begun after July 11, 1991 that transports carbon dioxide; [49 CFR 195.401(c)(4)]

5. a low-stress pipeline on which construction was begun after August 10, 1994. [49 CFR 195.401(c)(5)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2824 (December 2003).

§30402. Procedural Manual for Operations, Maintenance, and Emergencies [49 CFR 195.402]

A. General. Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted. [49 CFR 195.402(a)]

B. The administrator or the state agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant state procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. [49 CFR 195.402(B)]

C. Maintenance and Normal Operations. The manual required by §30402.A must include procedures for the following to provide safety during maintenance and normal operations: [49 CFR 195.402(c)]

1. making construction records, maps, and operating history available as necessary for safe operation and maintenance; [49 CFR 195.402(c)(1)]

2. gathering of data needed for reporting accidents under Chapter 301. Subchapter B in a timely and effective manner; [49 CFR 195.402(c)(2)]

3. operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this Chapter and Subchapter B of Chapter 305; [49 CFR 195.402(c)(3)]

4. determining which pipeline facilities are located in areas that would require an immediate response by the operator to prevent hazards to the public if the facilities failed or malfunctioned; [49 CFR 195.402(c)(4)]

5. analyzing pipeline accidents to determine their causes; [49 CFR 195.402(c)(5)]

6. minimizing the potential for hazards identified under §30402.C.4 and the possibility of recurrence of accidents analyzed under §30402.C.5; [49 CFR 195.402(c)(6)]

7. starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by §30406, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices; [49 CFR 195.402(c)(7)]

8. in the case of a pipeline that is not equipped to fail safe, monitoring from an attended location pipeline pressure during start-up until steady state pressure and flow conditions are reached and during shut-in to assure operation within limits prescribed by §30406; [49 CFR 195.402(c)(8)]

9. in the case of facilities not equipped to fail safe that are identified under §30402.C.4 or that control receipt and delivery of the hazardous liquid or carbon dioxide, detecting abnormal operating conditions by monitoring pressure, temperature, flow or other appropriate operational data and transmitting this data to an attended location; [49 CFR 195.402(c)(9)]

10. abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through commercially navigable waterways the last operator of that facility must file a report upon abandonment of that facility in accordance with §30141 of this Subpart; [49 CFR 195.402(c)(10)]

11. minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under §30402.C.4 where the potential exists for the presence of flammable liquids or gases; [49 CFR 195.402(c)(11)]

12. establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous

liquid or carbon dioxide pipeline emergency and means of communication; [49 CFR 195.402(c)(12)]

13. periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found; [49 CFR 195.402(c)(13)]

14. taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line. [49 CFR 195.402(c)(14)]

D. Abnormal Operation. The manual required by §30402.A must include procedures for the following to provide safety when operating design limits have been exceeded. [49 CFR 195.402(d)]

1. Responding to, investigating, and correcting the cause of: [49 CFR 195.402(d)(1)]

a. unintended closure of valves or shutdowns; [49 CFR 195.402(d)(1)(i)]

b. increase or decrease in pressure or flow rate outside normal operating limits; [49 CFR 195.402(d)(1)(ii)]

c. loss of communications; [49 CFR 195.402(d)(1)(iii)]

d. operation of any safety device; [49 CFR 195.402(d)(1)(iv)]

e. any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property. [49 CFR 195.402(d)(1)(v)]

2. Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation. [49 CFR 195.402(d)(2)]

3. Correcting variations from normal operation of pressure and flow equipment and controls. [49 CFR 195.402(d)(3)]

4. Notifying responsible operator personnel when notice of an abnormal operation is received. [49 CFR 195.402(d)(4)]

5. Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found. [49 CFR 195.402(d)(5)]

E. Emergencies. The manual required by §30402.A must include procedures for the following to provide safety when an emergency condition occurs: [49 CFR 195.402(e)]

1. receiving, identifying, and classifying notices of events which need immediate response by the operator or notice to fire, police, or other appropriate public officials and communicating this information to appropriate operator personnel for corrective action; [49 CFR 195.402(e)(1)]

2. prompt and effective response to a notice of each type of emergency, including fire or explosion occurring near or directly involving a pipeline facility, accidental release of hazardous liquid or carbon dioxide from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities; [49 CFR 195.402(e)(2)]

3. having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency; [49 CFR 195.402(e)(3)]

4. taking necessary action, such as emergency shutdown or pressure reduction, to minimize the volume of hazardous liquid or carbon dioxide that is released from any section of a pipeline system in the event of a failure; [49 CFR 195.402(e)(4)]

5. control of released hazardous liquid or carbon dioxide at an accident scene to minimize the hazards, including possible intentional ignition in the cases of flammable highly volatile liquid; [49 CFR 195.402(e)(5)]

6. minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action; [49 CFR 195.402(e)(6)]

7. notifying fire, police, and other appropriate public officials of hazardous liquid or carbon dioxide pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid; [49 CFR 195.402(e)(7)]

8. in the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous area; [49 CFR 195.402(e)(8)]

9. providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found. [49 CFR 195.402(e)(9)]

F. Safety-Related Condition Reports. The manual required by §30402.A must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of §30133. [49 CFR 195.402(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2824 (December 2003).

§30403. Emergency Response Training [49 CFR 195.403]

A. Each operator shall establish and conduct a continuing training program to instruct emergency response personnel to: [49 CFR 195.403(a)]

1. carry out the emergency procedures established under §30402 that relate to their assignments; [49 CFR 195.403(a)(1)]

2. know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions; [49 CFR 195.403(a)(2)]

3. recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquids or carbon dioxide spills, and take appropriate corrective action; [49 CFR 195.403(a)(3)]

4. take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage; and [49 CFR 195.403(a)(4)]

5. learn the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition. [49 CFR 195.403(a)(5)]

B. At the intervals not exceeding 15 months, but at least once each calendar year, each operator shall: [49 CFR 195.403(b)]

1. review with personnel their performance in meeting the objectives of the emergency response training program set forth in Subsection A of this Section; and [49 CFR 195.403(b)(1)]

2. make appropriate changes to the emergency response training program as necessary to ensure that it is effective. [49 CFR 195.403(b)(2)]

C. Each operator shall require and verify that its supervisors maintain a thorough knowledge of that portion of the emergency response procedures established under §30402 for which they are responsible to ensure compliance. [49 CFR 195.403(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2825 (December 2003).

§30404. Maps and Records [49 CFR 195.404]

A. Each operator shall maintain current maps and records of its pipeline systems that include at least the following information: [49 CFR 195.404(a)]

1. location and identification of the following pipeline facilities: [49 CFR 195.404(a)(1)]

a. breakout tanks; [49 CFR 195.404(a)(1)(i)]

b. pump stations; [49 CFR 195.404(a)(1)(ii)]

c. scraper and sphere facilities; [49 CFR 195.404(a)(1)(iii)]

d. pipeline valves; [49 CFR 195.404(a)(1)(iv)]

e. facilities to which §30402.C.9 applies; [49 CFR 195.404(a)(1)(v)]

f. rights-of-way; and [49 CFR 195.404(a)(1)(vi)]

g. safety devices to which §30428 applies; [49 CFR 195.404(a)(1)(vii)]

2. all crossings of public roads, railroads, rivers, buried utilities, and foreign pipelines; [49 CFR 195.404(a)(2)]

3. the maximum operating pressure of each pipeline; [49 CFR 195.404(a)(3)]

4. the diameter, grade, type, and nominal wall thickness of all pipe. [49 CFR 195.404(a)(4)]

B. Each operator shall maintain for at least three years daily operating records that indicate: [49 CFR 195.404(b)]

1. the discharge pressure at each pump station; and [49 CFR 195.404(b)(1)]

2. any emergency or abnormal operation to which the procedures under §30402 apply. [49 CFR 195.404(b)(2)]

C. Each operator shall maintain the following records for the periods specified: [49 CFR 195.404(c)]

1. the date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe; [49 CFR 195.404(c)(1)]

2. the date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least one year; [49 CFR 195.404(c)(2)]

3. a record of each inspection and test required by this Chapter shall be maintained for at least two years or until the

next inspection or test is performed, whichever is longer. [49 CFR 195.404(c)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003).

§30405. Protection against Ignitions and Safe Access/Egress Involving Floating Roofs [49 CFR 195.405]

A. After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks must be in accordance with API Recommended Practice 2003, unless the operator notes in the procedural manual [§30402.C] why compliance with all or certain provisions of API Recommended Practice 2003 is not necessary for the safety of a particular breakout tank. [49 CFR 195.405(a)]

B. The hazards associated with access/egress onto floating roofs of in-service aboveground breakout tanks to perform inspection, service, maintenance or repair activities (other than specified general considerations, specified routine tasks or entering tanks removed from service for cleaning) are addressed in API Publication 2026. After October 2, 2000, the operator must review and consider the potentially hazardous conditions, safety practices and procedures in API Publication 2026 for inclusion in the procedure manual [§30402.C]. [49 CFR 195.405(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003).

§30406. Maximum Operating Pressure [49 CFR 195.406]

A. Except for surge pressures and other variations from normal operations, no operator may operate a pipeline at a pressure that exceeds any of the following: [49 CFR 195.406(a)]

1. the internal design pressure of the pipe determined in accordance with §30161. However, for steel pipe in pipelines being converted under §30111, if one or more factors of the design formula (§30161) are unknown, one of the following pressures is to be used as design pressure: [49 CFR 195.406(a)(1)]

a. eighty percent of the first test pressure that produces yield under section N5.0 of Appendix N of ASME B31.8, reduced by the appropriate factors in 30161.A and E; or [49 CFR 195.406(a)(1)(i)]

b. if the pipe is 12-3/4 in. (324 mm.) or less outside diameter and is not tested to yield under this Paragraph, 200 p.s.i. (1379 kPa) gage; [49 CFR 195.406(a)(1)(ii)]

2. the design pressure of any other component of the pipeline; [49 CFR 195.406(a)(2)]

3. eighty percent of the test pressure for any part of the pipeline which has been pressure tested under Chapter 303; [49 CFR 195.406(a)(3)]

4. eighty percent of the factory test pressure or of the prototype test pressure for any individually installed component which is excepted from testing under §30305; [49 CFR 195.406(a)(4)]

5. for pipelines under §30302.B.1 and B.2.a that have not been pressure tested under Chapter 303 of this Subpart, 80 percent of the test pressure or highest operating pressure to which the pipeline was subjected for four or more continuous hours that can be demonstrated by recording charts or logs made at the time the test or operations were conducted. [49 CFR 195.406(a)(5)]

B. No operator may permit the pressure in a pipeline during surges or other variations from normal operations to exceed 110 percent of the operating pressure limit established under §30406.A. Each operator must provide adequate controls and protective equipment to control the pressure within this limit. [49 CFR 195.406(b)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003).

§30408. Communications [49 CFR 195.408]

A. Each operator must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system. [49 CFR 195.408(a)]

B. The communication system required by §30408.A must, as a minimum, include means for: [49 CFR 195.408(b)]

1. monitoring operational data as required by §30402.C.9; [49 CFR 195.408(b)(1)]

2. receiving notices from operator personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action; [49 CFR 195.408(b)(2)]

3. conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and [49 CFR 195.408(b)(3)]

4. providing communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster. [49 CFR 195.408(b)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003).

§30410. Line Markers [49 CFR 195.410]

A. Except as provided in §30410.B, each operator shall place and maintain line markers over each buried pipeline in accordance with the following: [49 CFR 195.410(a)]

1. markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known; [49 CFR 195.410(a)(1)]

2. the marker must state at least the following on a background of sharply contrasting color: [49 CFR 195.410(a)(2)]

a. the word "warning," "caution," or "danger" followed by the word "petroleum (or the name of the hazardous liquid transported) pipeline", or "carbon dioxide pipeline," all of which, except for markers in heavily developed urban areas, must be in letters at least 1 inch (25 millimeters) high with an approximate stroke of one-quarter inch (6.4 millimeters); [49 CFR 195.410(a)(2)(i)]

b. the name of the operator and a telephone number (including area code) where the operator can be reached at all times. [49 CFR 195.410(a)(2)(ii)]

B. Line markers are not required for buried pipelines located: [49 CFR 195.410(b)]

1. offshore or at crossings of or under waterways and other bodies of water; or [49 CFR 195.410(b)(1)]

2. in heavily developed urban areas such as downtown business centers where: [49 CFR 195.410(b)(2)]

a. the placement of markers is impracticable and would not serve the purpose for which markers are intended; and [49 CFR 195.410(b)(2)(i)]

b. the local government maintains current substructure records. [49 CFR 195.410(b)(2)(ii)]

C. Each operator shall provide line marking at locations where the line is above ground in areas that are accessible to the public. [49 CFR 195.410(c)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003).

§30412. Inspection of Rights-of-Way and Crossings under Navigable Waters [49 CFR 195.412]

A. Each operator shall, at intervals not exceeding three weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way. Methods of inspection include walking, driving, flying or other appropriate means of traversing the right-of-way. [49 CFR 195.412(a)]

B. Except for offshore pipelines, each operator shall, at intervals not exceeding five years, inspect each crossing under a navigable waterway to determine the condition of the crossing. [49 CFR 195.412(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003).

§30413. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets [49 CFR 195.413]

A. Except for gathering lines of 4-1/2 in.(114 mm.) nominal outside diameter or smaller, each operator shall, in accordance with this Section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992. [49 CFR 195.413(a)]

B. If, as a result of an inspection under §30413.A, or upon notification by any person, an operator discovers that a pipeline it operates is exposed on the seabed or constitutes a hazard to navigation, the operator shall: [49 CFR 195.413(b)]

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802, as well as Louisiana Pipeline Safety (225) 342-5505, (day or night), of the location, and, if available, the geographic coordinates of that pipeline; [49 CFR 195.413(b)(1)]

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except

that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and [49 CFR 195.413(b)(2)]

3. within six months after discovery, or not later than November 1 of the following year if the six-month period is after November 1 of the year that the discovery is made, place the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation. [49 CFR 195.413(b)(3)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003).

§30420. Valve Maintenance [49 CFR 195.420]

A. Each operator shall maintain each valve that is necessary for the safe operation of its pipeline systems in good working order at all times. [49 CFR 195.420(a)]

B. Each operator shall, at intervals not exceeding seven and one-half months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly. [49 CFR 195.420(b)]

C. Each operator shall provide protection for each valve from unauthorized operation and from vandalism. [49 CFR 195.420(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003).

§30422. Pipeline Repairs [49 CFR 195.422]

A. Each operator shall, in repairing its pipeline systems, insure that the repairs are made in a safe manner and are made so as to prevent damage to persons or property. [49 CFR 195.422(a)]

B. No operator may use any pipe, valve, or fitting, for replacement in repairing pipeline facilities, unless it is designed and constructed as required by this Subpart. [49 CFR 195.422(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003).

§30424. Pipe Movement [49 CFR 195.424]

A. No operator may move any line pipe, unless the pressure in the line section involved is reduced to not more than 50 percent of the maximum operating pressure. [49 CFR 195.424(a)]

B. No operator may move any pipeline containing highly volatile liquids where materials in the line section involved are joined by welding unless: [49 CFR 195.424(b)]

1. movement when the pipeline does not contain highly volatile liquids is impractical; [49 CFR 195.424(b)(1)]

2. the procedures of the operator under §30402 contain precautions to protect the public against the hazard in moving pipelines containing highly volatile liquids, including the use of warnings, where necessary, to evacuate the area close to the pipeline; and [49 CFR 195.424(b)(2)]

3. the pressure in that line section is reduced to the lower of the following: [49 CFR 195.424(b)(3)]

a. fifty percent or less of the maximum operating pressure; or [49 CFR 195.424(b)(3)(i)]

b. the lowest practical level that will maintain the highly volatile liquid in a liquid state with continuous flow, but not less than 50 p.s.i. (345 kPa) gage above the vapor pressure of the commodity. [49 CFR 195.424(b)(3)(ii)]

C. No operator may move any pipeline containing highly volatile liquids where materials in the line section involved are not joined by welding unless: [49 CFR 195.424(c)]

1. the operator complies with §30424.B.1 and §30424.B.2; and [49 CFR 195.424(c)(1)]

2. that line section is isolated to prevent the flow of highly volatile liquid. [49 CFR 195.424(c)(2)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003).

§30426. Scraper and Sphere Facilities [49 CFR 195.426]

A. No operator may use a launcher or receiver that is not equipped with a relief device capable of safely relieving pressure in the barrel before insertion or removal of scrapers or spheres. The operator must use a suitable device to indicate that pressure has been relieved in the barrel or must provide a means to prevent insertion or removal of scrapers or spheres if pressure has not been relieved in the barrel. [49 CFR 195.426]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003).

§30428. Overpressure Safety Devices and Overfill Protection Systems [49 CFR 195.428]

A. Except as provided in §30428.B, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed seven and one-half months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used. [49 CFR 195.428(a)]

B. In the case of relief valves on pressure breakout tanks containing highly volatile liquids, each operator shall test each valve at intervals not exceeding five years. [49 CFR 195.428(b)]

C. Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overfill protection system installed according to Section 5.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API Recommended Practice 2350. However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank if the operator notes in the manual required by §30402 why compliance with that part is not necessary for safety of the tank. [49 CFR 195.428(c)]

D. After October 2, 2000, the requirements of §30428 A and B for inspection and testing of pressure control equipment apply to the inspection and testing of overflow protection systems. [49 CFR 195.428(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003).

§30430. Firefighting Equipment [49 CFR 195.430]

A. Each operator shall maintain adequate firefighting equipment at each pump station and breakout tank area. The equipment must be: [49 CFR 195.430]

1. in proper operating condition at all times; [49 CFR 195.430(a)]

2. plainly marked so that its identity as firefighting equipment is clear; and [49 CFR 195.430(b)]

3. located so that it is easily accessible during a fire. [49 CFR 195.430(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30432. Inspection of In-Service Breakout Tanks [49 CFR 195.432]

A. Except for breakout tanks inspected under §30432 B and C, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, inspect each in-service breakout tank. [49 CFR 195.432(a)]

B. Each operator shall inspect the physical integrity of in-service atmospheric and low-pressure steel aboveground breakout tanks according to Section 4 of API Standard 653. However, if structural conditions prevent access to the tank bottom, the bottom integrity may be assessed according to a plan included in the operations and maintenance manual under 30402.C.3. [49 CFR 195.432(b)]

C. Each operator shall inspect the physical integrity of in-service steel aboveground breakout tanks built to API Standard 2510 according to Section 6 of API 510. [49 CFR 195.432(c)]

D. The intervals of inspection specified by documents referenced in §30432 B and C begin on May 3, 1999, or on the operator's last recorded date of the inspection, whichever is earlier. [49 CFR 195.432(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30434. Signs [49 CFR 195.434]

A. Each operator shall maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and an emergency telephone number (including area code) to contact. [49 CFR 195.434]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30436. Security of Facilities [49 CFR 195.436]

A. Each operator shall provide protection for each pumping station and breakout tank area and other exposed

facility (such as scraper traps) from vandalism and unauthorized entry. [49 CFR 195.436]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30438. Smoking or Open Flames [49 CFR 195.438]

A. Each operator shall prohibit smoking and open flames in each pump station area and each breakout tank area where there is a possibility of the leakage of a flammable hazardous liquid or of the presence of flammable vapors. [49 CFR 195.438]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30440. Public Education [49 CFR 195.440]

A. Each operator shall establish a continuing educational program to enable the public, appropriate government organizations and persons engaged in excavation-related activities to recognize a hazardous liquid or a carbon dioxide pipeline emergency and to report it to the operator or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas. [49 CFR 195.440]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30442. Damage Prevention Program [49 CFR 195.442]

A. Except as provided in §30442.D, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this Section, the term *excavation activities* includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations. [49 CFR 195.442(a)]

B. An operator may comply with any of the requirements of §30442.C through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of the responsibility for compliance with this section. However, an operator must perform the duties of Subsection C.3. of this Section through participation in a one-call system, if that one-call system is a qualified one-call-system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a qualified one-call system where there is one in place. For the purpose of the Section, a one-call system is considered a *qualified one-call system* if it meets the requirements of §30442.B.1 or B.2. [49 CFR 195.442(b)]

1. The state has adopted a one-call damage prevention program under 49 CFR 198.37; or [49 CFR 195.442(b)(1)]

2. the one-call system: [49 CFR 195.442(b)(2)]
 - a. is operated in accordance with 49 CFR 198.39; [49 CFR 195.442(b)(2)(i)]
 - b. provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and [49 CFR 195.442(b)(2)(ii)]
 - c. assesses a participating pipeline operator a fee that is proportionate to the costs of the one-call system's coverage of the operator's pipeline. [49 CFR 195.442(b)(2)(iii)]
- C. The damage prevention program required by §30442.A. must, at a minimum: [49 CFR 195.442(c)]
1. include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located; [49 CFR 195.442(c)(1)]
 2. provide for notification of the public in the vicinity of the pipeline and actual notification of persons identified in §30442.C.1. of the following as often as needed to make them aware of the damage prevention program: [49 CFR 195.442(c)(2)]
 - a. the program's existence and purpose; and [49 CFR 195.442(c)(2)(i)]
 - b. how to learn the location of underground pipelines before excavation activities are begun; [49 CFR 195.442(c)(2)(ii)]
 3. provide a means of receiving and recording notification of planned excavation activities; [49 CFR 195.442(c)(3)]
 4. if the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings; [49 CFR 195.442(c)(4)]
 5. provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins; [49 CFR 195.442(c)(5)]
 6. provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities: [49 CFR 195.442(c)(6)]
 - a. the inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and [49 CFR 195.442(c)(6)(i)]
 - b. in the case of blasting, any inspection must include leakage surveys. [49 CFR 195.442(c)(6)(ii)]

D. A damage prevention program under this Section is not required for the following pipelines: [49 CFR 195.444]

1. pipelines located offshore; [49 CFR 195.442(d)(1)]
2. pipelines to which access is physically controlled by the operator. [49 CFR 195.442(d)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003).

§30444. CPM Leak Detection [49 CFR 195.444]

A. Each computational pipeline monitoring (CPM) leak detection system installed on a hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid) must comply with API 1130 in operating, maintaining, testing, record keeping, and dispatcher training of the system. [49 CFR 195.444]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003).

§30450. High Consequence Areas? Definitions [49 CFR Part 195.450]

A. The following definitions apply to this Section and §30452.

Emergency Flow Restricting Device or EFRD? a check valve or remote control valve as follows:

a. *Check Valve?* a valve that permits fluid to flow freely in one direction and contains a mechanism to automatically prevent flow in the other direction;

b. *Remote Control Valve or RCV?* any valve that is operated from a location remote from where the valve is installed. The RCV is usually operated by the supervisory control and data acquisition (SCADA) system. The linkage between the pipeline control center and the RCV may be by fiber optics, microwave, telephone lines, or satellite.

High Consequence Area?

a. *Commercially Navigable Waterway?* a waterway where a substantial likelihood of commercial navigation exists;

b. *High Population Area?* an urbanized area, as defined and delineated by the Census Bureau, that contains 50,000 or more people and has a population density of at least 1,000 people per square mile;

c. *Other Populated Area?* a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area;

d. *Unusually Sensitive Area?* as defined in §30112.

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003).

§30452. Pipeline Integrity Management in High Consequence Areas [49 CFR 195.452]

A. Which pipelines are covered by this Section? This Section applies to each hazardous liquid pipeline and carbon dioxide pipeline that could affect a high consequence area, including any pipeline located in a high consequence area unless the operator effectively demonstrates by risk assessment that the pipeline could not affect the area. (§30905, Appendix C of this Subpart provides guidance on determining if a pipeline could affect a high consequence area.) Covered pipelines are categorized as follows. [49 CFR 195.452(a)]

1. Category 1 includes pipelines existing on May 29, 2001, that were owned or operated by an operator who owned or operated a total of 500 or more miles of pipeline subject to this Subpart. [49 CFR 195.452(a)(1)]

2. Category 2 includes pipelines existing on May 29, 2001, that were owned or operated by an operator who owned or operated less than 500 miles of pipeline subject to this Subpart. [49 CFR 195.452(a)(2)]

3. Category 3 includes pipelines constructed or converted after May 29, 2001. [49 CFR 195.452(a)(3)]

B. What program and practices must operators use to manage pipeline integrity? Each operator of a pipeline covered by this Section must: [49 CFR 195.452(b)]

1. develop a written integrity management program that addresses the risks on each segment of pipeline in the first column of the following table not later than the date in the second column: [49 CFR 195.452(b)(1)]

Pipeline	Date
Category 1	March 31, 2002.
Category 2	February 18, 2003.
Category 3	1 year after the date the pipeline begins operation.

2. include in the program an identification of each pipeline or pipeline segment in the first column of the following table not later than the date in the second column: [49 CFR 195.452(b)(2)]

Pipeline	Date
Category 1	December 31, 2001.
Category 2	November 18, 2002.
Category 3	Date the pipeline begins operation.

3. include in the program a plan to carry out baseline assessments of line pipe as required by Subsection C of this Section; [49 CFR 195.452(b)(3)]

4. include in the program a framework that: [49 CFR 195.452(b)(4)]

a. addresses each element of the integrity management program under Subsection F of this Section, including continual integrity assessment and evaluation under Subsection J of this Section; and [49 CFR 195.452(b)(4)(i)]

b. initially indicates how decisions will be made to implement each element; [49 CFR 195.452(b)(4)(ii)]

5. implement and follow the program; [49 CFR 195.452(b)(5)]

6. follow recognized industry practices in carrying out this section, unless: [49 CFR 195.452(b)(6)]

a. this Section specifies otherwise; or [49 CFR 195.452(b)(6)(i)]

b. the operator demonstrates that an alternative practice is supported by a reliable engineering evaluation and provides an equivalent level of public safety and environmental protection. [49 CFR 195.452(b)(6)(ii)]

C. What must be in the baseline assessment plan? [49 CFR 195.452(c)]

1. An operator must include each of the following elements in its written baseline assessment plan. [49 CFR 195.452(c)(1)]

a. The methods selected to assess the integrity of the line pipe. An operator must assess the integrity of the line pipe by any of the following methods. The methods an operator selects to assess low frequency electric resistance welded pipe or lap welded pipe susceptible to longitudinal seam failure must be capable of assessing seam integrity and of detecting corrosion and deformation anomalies: [49 CFR 195.452(c)(1)(i)]

i. internal inspection tool or tools capable of detecting corrosion and deformation anomalies including dents, gouges and grooves; [49 CFR 195.452(c)(1)(i)(A)]

ii. pressure test conducted in accordance with Chapter 303. of this Subpart; or [49 CFR 195.452(c)(1)(i)(B)]

iii. other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 90 days before conducting the assessment, by sending a notice to the addresses or facsimile numbers specified in Subsection M of this section. [49 CFR 195.452(c)(1)(i)(C)]

b. a schedule for completing the integrity assessment; [49 CFR 195.452(c)(1)(ii)]

c. an explanation of the assessment methods selected and evaluation of risk factors considered in establishing the assessment schedule; [49 CFR 195.452(c)(1)(iii)]

2. an operator must document, prior to implementing any changes to the plan, any modification to the plan, and reasons for the modification. [49 CFR 195.452(c)(2)]

D. When must operators complete baseline assessments? Operators must complete baseline assessments as follows. [49 CFR 195.452(d)]

1. Time Periods. Complete assessments before the following deadlines. [49 CFR 195.452(d)(1)]

If the pipeline is:	Then complete baseline assessments not later than the following date according to a schedule that prioritizes assessments	And assess at least 50 percent of the line pipe on an expedited basis, beginning with the highest risk pipe, not later than:
Category 1	March 31, 2008.	September 30, 2004.
Category 2	February 17, 2009.	August 16, 2005.
Category 3	Date the pipeline begins operation.	Not applicable.

2. Prior Assessment. To satisfy the requirements of Subparagraph C.1.a of this Section for pipelines in the first column of the following table, operators may use integrity assessments conducted after the date in the second column, if the integrity assessment method complies with this section. However, if an operator uses this prior assessment as its baseline assessment, the operator must reassess the line pipe according to Paragraph J.3 of this Section. The table follows. [49 CFR 195.452(d)(2)]

Pipeline	Date
Category 1	January 1, 1996.
Category 2	February 15, 1997.

3. Newly-Identified Areas [49 CFR 195.452(d)(3)]

a. When information is available from the information analysis (see Subsection G of this Section), or from Census Bureau maps, that the population density around a pipeline segment has changed so as to fall within the definition in §30450 of a high population area or other populated area, the operator must incorporate the area into its baseline assessment plan as a high consequence area within one year from the date the area is identified. An operator must complete the baseline assessment of any line pipe that could affect the newly-identified high consequences area within five years from the date the area is identified. [49 CFR 195.452(d)(3)(i)]

b. An operator must incorporate a new unusually sensitive area into its baseline assessment plan within one year from the date the area is identified. An operator must complete the baseline assessment of any line pipe that could affect the newly-identified high consequence area within five years from the date the area is identified. [49 CFR 195.452(d)(3)(ii)]

E. What are the risk factors for establishing an assessment schedule (for both the baseline and continual integrity assessments)? [49 CFR 195.452(e)]

1. An operator must establish an integrity assessment schedule that prioritizes pipeline segments for assessment (see Paragraphs D.1 and J.3 of this Section). An operator must base the assessment schedule on all risk factors that reflect the risk conditions on the pipeline segment. The factors an operator must consider include, but are not limited to: [49 CFR 195.452(e)(1)]

a. results of the previous integrity assessment, defect type and size that the assessment method can detect, and defect growth rate; [49 CFR 195.452(e)(1)(i)]

b. pipe size, material, manufacturing information, coating type and condition, and seam type; [49 CFR 195.452(e)(1)(ii)]

c. leak history, repair history and cathodic protection history; [49 CFR 195.452(e)(1)(iii)]

d. product transported; [49 CFR 195.452(e)(1)(iv)]

e. operating stress level; [49 CFR 195.452(e)(1)(v)]

f. existing or projected activities in the area; [49 CFR 195.452(e)(1)(vi)]

g. local environmental factors that could affect the pipeline (e.g. corrosivity of soil, subsidence, climatic); [49 CFR 195.452(e)(1)(vii)]

h. geo-technical hazards; and [49 CFR 195.452(e)(1)(viii)]

i. physical support of the segment such as by a cable suspension bridge. [49 CFR 195.452(e)(1)(ix)]

2. Section 30905, Appendix C, of this Subpart provides further guidance on risk factors. [49 CFR 195.452(e)(2)]

F. What are the elements of an integrity management program? An integrity management program begins with the initial framework. An operator must continually change the program to reflect operating experience, conclusions drawn from results of the integrity assessments, and other maintenance and surveillance data, and evaluation of consequences of a failure on the high consequence area. An operator must include, at minimum, each of the following elements in its written integrity management program: [49 CFR 195.452(f)]

1. a process for identifying which pipeline segments could affect a high consequence area; [49 CFR 195.452(f)(1)]

2. a baseline assessment plan meeting the requirements of Subsection C of this Section; [49 CFR 195.452(f)(2)]

3. an analysis that integrates all available information about the integrity of the entire pipeline and the consequences of a failure (see Subsection G of this Section); [49 CFR 195.452(f)(3)]

4. criteria for remedial actions to address integrity issues raised by the assessment methods and information

analysis (see Subsection H of this Section); [49 CFR 195.452(f)(4)]

5. a continual process of assessment and evaluation to maintain a pipeline's integrity (see Subsection J of this Section); [49 CFR 195.452(f)(5)]

6. identification of preventive and mitigative measures to protect the high consequence area (see Subsection I of this Section); [49 CFR 195.452(f)(6)]

7. methods to measure the program's effectiveness (see Subsection K of this Section); [49 CFR 195.452(f)(7)]

8. a process for review of integrity assessment results and information analysis by a person qualified to evaluate the results and information (see Subsection H.2 of this Section). [49 CFR 195.452(f)(8)]

G. What is an information analysis? In periodically evaluating the integrity of each pipeline segment (Subsection J of this Section), an operator must analyze all available information about the integrity of the entire pipeline and the consequences of a failure. This information includes: [49 CFR 195.452(g)]

1. information critical to determining the potential for, and preventing, damage due to excavation, including current and planned damage prevention activities, and development or planned development along the pipeline segment; [49 CFR 195.452(g)(1)]

2. data gathered through the integrity assessment required under this section; [49 CFR 195.452(g)(2)]

3. data gathered in conjunction with other inspections, tests, surveillance and patrols required by this Chapter, including, corrosion control monitoring and cathodic protection surveys; and [49 CFR 195.452(g)(3)]

4. information about how a failure would affect the high consequence area, such as location of the water intake. [49 CFR 195.452(g)(4)]

H. What actions must an operator take to address integrity issues? [49 CFR 195.452(h)]

1. General Requirements. An operator must take prompt action to address all anomalous conditions that the operator discovers through the integrity assessment or information analysis. In addressing all conditions, an operator must evaluate all anomalous conditions and remediate those that could reduce a pipeline's integrity. An operator must be able to demonstrate that the remediation of the condition will ensure that the condition is unlikely to pose a threat to the long-term integrity of the pipeline. A reduction in operating pressure cannot exceed 365 days without an operator taking further remedial action to ensure the safety of the pipeline. An operator must comply with §30422 when making a repair. [49 CFR 195.452(h)(1)]

2. Discovery of Condition. Discovery of a condition occurs when an operator has adequate information about the condition to determine that the condition presents a potential threat to the integrity of the pipeline. An operator must promptly, but no later than 180 days after an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator can demonstrate that the 180-day period is impracticable. [49 CFR 195.452(h)(2)]

3. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule that prioritizes the conditions for evaluation and remediation. If an operator cannot meet the schedule for

any condition, the operator must justify the reasons why it cannot meet the schedule and that the changed schedule will not jeopardize public safety or environmental protection. An operator must notify OPS if the operator cannot meet the schedule and cannot provide safety through a temporary reduction in operating pressure. An operator must send the notice to the addresses specified in Subsection M of this Section. [49 CFR 195.452(h)(3)]

4. Special Requirements for Scheduling Remediation [49 CFR 195.452(h)(4)]

a. Immediate Repair Conditions. An operator's evaluation and remediation schedule must provide for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure or shut down the pipeline until the operator completes the repair of these conditions. An operator must calculate the temporary reduction in operating pressure using the formula in section 451.7 of ASME/ANSI B31.4 (incorporated by reference, see §30107). An operator must treat the following conditions as immediate repair conditions: [49 CFR 195.452(h)(4)(i)]

i. metal loss greater than 80% of nominal wall regardless of dimensions; [49 CFR 195.452(h)(4)(i)(A)]

ii. a calculation of the remaining strength of the pipe shows a predicted burst pressure less than the established maximum operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include, but are not limited to, ASME/ANSI B31G ("Manual for Determining the Remaining Strength of Corroded Pipelines" (1991) or AGA Pipeline Research Committee Project PR-3-805 ["A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 1989)]. These documents are incorporated by reference and are available at the addresses listed in §30107; [49 CFR 195.452(h)(4)(i)(B)]

iii. a dent located on the top of the pipeline (above the 4 and 8 o'clock positions) that has any indication of metal loss, cracking or a stress riser; [49 CFR 195.452(h)(4)(i)(C)]

iv. a dent located on the top of the pipeline (above the 4 and 8 o'clock positions) with a depth greater than 6 percent of the nominal pipe diameter; [49 CFR 195.452(h)(4)(i)(D)]

v. an anomaly that in the judgement of the person designated by the operator to evaluate the assessment results requires immediate action. [49 CFR 195.452(h)(4)(i)(E)]

b. 60-Day Conditions. Except for conditions listed in Subparagraph H.4.a of this Section, an operator must schedule evaluation and remediation of the following conditions within 60 days of discovery of condition: [49 CFR 195.452(h)(4)(ii)]

i. a dent located on the top of the pipeline (above the 4 and 8 o'clock positions) with a depth greater than 3 percent of the pipeline diameter (greater than 0.250 inches in depth for a pipeline diameter less than Nominal Pipe Size (NPS) 12); [49 CFR 195.452(h)(4)(ii)(A)]

ii. a dent located on the bottom of the pipeline that has any indication of metal loss, cracking or a stress riser. [49 CFR 195.452(h)(4)(ii)(B)]

c. 180-Day Conditions. Except for conditions listed in Subsection H.4.(a) or (b) of this Section, an operator must schedule evaluation and remediation of the following within

180 days of discovery of the condition: [49 CFR 195.452(h)(4)(iii)]

i. a dent with a depth greater than 2 percent of the pipeline's diameter (0.250 inches in depth for a pipeline diameter less than NPS 12) that affects pipe curvature at a girth weld or a longitudinal seam weld; [49 CFR 195.452(h)(4)(iii)(A)]

ii. a dent located on the top of the pipeline (above 4 and 8 o'clock position) with a depth greater than 2 percent of the pipeline's diameter (0.250 inches in depth for a pipeline diameter less than NPS 12); [49 CFR 195.452(h)(4)(iii)(B)]

iii. a dent located on the bottom of the pipeline with a depth greater than 6 percent of the pipeline's diameter; [49 CFR 195.452(h)(4)(iii)(C)]

iv. a calculation of the remaining strength of the pipe shows an operating pressure that is less than the current established maximum operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include, but are not limited to, ASME/ANSI B31G ["Manual for Determining the Remaining Strength of Corroded Pipelines" (1991)] or AGA Pipeline Research Committee Project PR-3-805 ["A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 1989)]. These documents are incorporated by reference and are available at the addresses listed in §30107; [49 CFR 195.452(h)(4)(iii)(D)]

v. an area of general corrosion with a predicted metal loss greater than 50 percent of nominal wall; [49 CFR 195.452(h)(4)(iii)(E)]

vi. predicted metal loss greater than 50 percent of nominal wall that is located at a crossing of another pipeline, or is in an area with widespread circumferential corrosion, or is in an area that could affect a girth weld; [49 CFR 195.452(h)(4)(iii)(F)]

vii. a potential crack indication that when excavated is determined to be a crack; [49 CFR 195.452(h)(4)(iii)(G)]

viii. corrosion of or along a longitudinal seam weld; [49 CFR 195.452(h)(4)(iii)(H)]

ix. a gouge or groove greater than 12.5 percent of nominal wall. [49 CFR 195.452(h)(4)(iii)(I)]

d. Other Conditions. In addition to the conditions listed in Subparagraphs H.4.a through c of this Section, an operator must evaluate any condition identified by an integrity assessment or information analysis that could impair the integrity of the pipeline, and as appropriate, schedule the condition for remediation. §30905, Appendix C of this Subpart contains guidance concerning other conditions that an operator should evaluate. [49 CFR 195.452(h)(4)(iv)]

I. What preventive and mitigative measures must an operator take to protect the high consequence area? [49 CFR 195.452(i)]

1. General Requirements. An operator must take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area. These measures include conducting a risk analysis of the pipeline segment to identify additional actions to enhance public safety or environmental protection. Such actions may include, but are not limited to, implementing damage

prevention best practices, better monitoring of cathodic protection where corrosion is a concern, establishing shorter inspection intervals, installing EFRDs on the pipeline segment, modifying the systems that monitor pressure and detect leaks, providing additional training to personnel on response procedures, conducting drills with local emergency responders and adopting other management controls. [49 CFR 195.452(i)(1)]

2. Risk Analysis Criteria. In identifying the need for additional preventive and mitigative measures, an operator must evaluate the likelihood of a pipeline release occurring and how a release could affect the high consequence area. This determination must consider all relevant risk factors, including, but not limited to: [49 CFR 195.452(i)(2)]

a. terrain surrounding the pipeline segment, including drainage systems such as small streams and other smaller waterways that could act as a conduit to the high consequence area; [49 CFR 195.452(i)(2)(i)]

b. elevation profile; [49 CFR 195.452(i)(2)(ii)]

c. characteristics of the product transported; [49 CFR 195.452(i)(2)(iii)]

d. amount of product that could be released; [49 e. Possibility of a spillage in a farm field following the drain tile into a waterway; [49 CFR 195.452(i)(2)(v)]

f. ditches along side a roadway the pipeline crosses; [49 CFR 195.452(i)(2)(vi)]

g. physical support of the pipeline segment such as by a cable suspension bridge; [49 CFR 195.452(i)(2)(vii)]

h. exposure of the pipeline to operating pressure exceeding established maximum operating pressure. [49 CFR 195.452(i)(2)(viii)]

3. Leak Detection. An operator must have a means to detect leaks on its pipeline system. An operator must evaluate the capability of its leak detection means and modify, as necessary, to protect the high consequence area. An operator's evaluation must, at least, consider, the following factors' length, and size of the pipeline, type of product carried, the pipeline's proximity to the high consequence area, the swiftness of leak detection, location of nearest response personnel, leak history, and risk assessment results. [49 CFR 195.452(i)(3)]

4. Emergency Flow Restricting Devices (EFRD). If an operator determines that an EFRD is needed on a pipeline segment to protect a high consequence area in the event of a hazardous liquid pipeline release, an operator must install the EFRD. In making this determination, an operator must, at least, consider the following factors' the swiftness of leak detection and pipeline shutdown capabilities, the type of commodity carried, the rate of potential leakage, the volume that can be released, topography or pipeline profile, the potential for ignition, proximity to power sources, location of nearest response personnel, specific terrain between the pipeline segment and the high consequence area, and benefits expected by reducing the spill size. [49 CFR 195.452(i)(4)]

J. What is a continual process of evaluation and assessment to maintain a pipeline's integrity? [49 CFR 195.452(j)]

1. General. After completing the baseline integrity assessment, an operator must continue to assess the line pipe at specified intervals and periodically evaluate the integrity

of each pipeline segment that could affect a high consequence area. [49 CFR 195.452(j)(1)]

2. Evaluation. An operator must conduct a periodic evaluation as frequently as needed to assure pipeline integrity. An operator must base the frequency of evaluation on risk factors specific to its pipeline, including the factors specified in Subsection E of this Section. The evaluation must consider the results of the baseline and periodic integrity assessments, information analysis (Subsection G of this Section), and decisions about remediation, and preventive and mitigative actions (Subsection H and I of this Section). [49 CFR 195.452(j)(2)]

3. Assessment Intervals. An operator must establish intervals not to exceed five years for continually assessing the line pipe's integrity. An operator must base the assessment intervals on the risk the line pipe poses to the high consequence area to determine the priority for assessing the pipeline segments. An operator must establish the assessment intervals based on the factors specified in Subsection E of this Section, the analysis of the results from the last integrity assessment, and the information analysis required by Subsection G of this Section. [49 CFR 195.452(j)(3)]

4. Variance from the five-year intervals in limited situations. [49 CFR 195.452(j)(4)]

a. Engineering Basis. An operator may be able to justify an engineering basis for a longer assessment interval on a segment of line pipe. The justification must be supported by a reliable engineering evaluation combined with the use of other technology, such as external monitoring technology, that provides an understanding of the condition of the line pipe equivalent to that which can be obtained from the assessment methods allowed in Paragraph J.5 of this Section. An operator must notify OPS 270 days before the end of the five-year (or less) interval of the justification for a longer interval, and propose an alternative interval. An operator must send the notice to the addresses specified in Subsection M of this Section. [49 CFR 195.452(j)(4)(i)]

b. Unavailable Technology. An operator may require a longer assessment period for a segment of line pipe (for example, because sophisticated internal inspection technology is not available). An operator must justify the reasons why it cannot comply with the required assessment period and must also demonstrate the actions it is taking to evaluate the integrity of the pipeline segment in the interim. An operator must notify OPS 180 days before the end of the five-year (or less) interval that the operator may require a longer assessment interval, and provide an estimate of when the assessment can be completed. An operator must send a notice to the addresses specified in Subsection M of this Section. [49 CFR 195.452(j)(4)(ii)]

5. Assessment Methods. An operator must assess the integrity of the line pipe by any of the following methods. The methods an operator selects to assess low frequency electric resistance welded pipe or lap welded pipe susceptible to longitudinal seam failure must be capable of assessing seam integrity and of detecting corrosion and deformation anomalies: [49 CFR 195.452(j)(5)]

a. internal inspection tool or tools capable of detecting corrosion and deformation anomalies including dents, gouges and grooves; [49 CFR 195.452(j)(5)(i)]

b. pressure test conducted in accordance with Chapter 303 of this Subpart; or [49 CFR 195.452(j)(5)(ii)]

c. other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify OPS 90 days before conducting the assessment, by sending a notice to the addresses or facsimile numbers specified in Subsection M of this Section. [49 CFR 195.452(j)(5)(iii)]

6. However, for low frequency electric resistance welded pipe or lap welded pipe susceptible to longitudinal seam failure, an operator must select integrity assessment methods capable of assessing seam integrity and of detecting corrosion and deformation anomalies. [49 CFR 195.452(j)(6)]

K. What methods to measure program effectiveness must be used? An operator's program must include methods to measure whether the program is effective in assessing and evaluating the integrity of each pipeline segment and in protecting the high consequence areas. See §30905, Appendix C, of this Subpart for guidance on methods that can be used to evaluate a program's effectiveness. [49 CFR 195.452(k)]

L. What records must be kept? [49 CFR 195.452(l)]

1. An operator must maintain for review during an inspection: [49 CFR 195.452(l)(1)]

a. a written integrity management program in accordance with Subsection B of this Section; [49 CFR 195.452(l)(1)(i)]

b. documents to support the decisions and analyses, including any modifications, justifications, variances, deviations and determinations made, and actions taken, to implement and evaluate each element of the integrity management program listed in Subsection F of this Section. [49 CFR 195.452(l)(1)(ii)]

2. See §30905, Appendix C, of this Subpart for examples of records an operator would be required to keep. [49 CFR 195.452(l)(2)]

M. Where does an operator send a notification? An operator must send any notification required by §30452 to the Commissioner of Conservation, Pipeline Safety Section, P.O. Box 94275, Baton Rouge, LA 70804-9275 or to the facsimile number (225) 342-5529 and to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington, D.C. 20590, or to the facsimile number (202) 366-7128. [49 CFR 195.452(m)]

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Chapter 305. Transportation of Hazardous Liquids by Pipeline? Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G] and Corrosion Control [49 CFR Part 195 Subpart H]

Subchapter A. Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G]

§30501. Scope [49 CFR 195.501]

A. This Subchapter prescribes the minimum requirements for operator qualification of individuals

performing covered tasks on a pipeline facility. [49 CFR 195.501(a)]

B. For the purpose of this Subchapter, a covered task is an activity, identified by the operator, that: [49 CFR 195.501(b)]

1. is performed on a pipeline facility; [49 CFR 195.501(b)(1)]

2. is an operations or maintenance task; [49 CFR 195.501(b)(2)]

3. is performed as a requirement of this Subpart; and [49 CFR 195.501(b)(3)]

4. affect the operation or integrity of the pipeline. [49 CFR 195.501(b)(4)]

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§30503. Definitions [49 CFR 195.503]

Abnormal Operating Condition? a condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

1. indicate a condition exceeding design limits; or

2. result in a hazard(s) to persons, property, or the environment.

Evaluation? a process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:

1. written examination;

2. oral examination;

3. work performance history review;

4. observation during:

a. performance on the job;

b. on the job training; or

c. simulations;

5. other forms of assessment.

Qualified? an individual has been evaluated and can:

1. perform assigned covered tasks; and

2. recognize and react to abnormal operating conditions.

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2835 (December 2003).

§30505. Qualification Program [49 CFR 195.505]

A. Each operator shall have and follow a written qualification program. The program shall include provisions to:

1. identify covered tasks; [49 CFR 195.505(a)]

2. ensure through evaluation that individuals performing covered tasks are qualified; [49 CFR 195.505(b)]

3. allow individuals that are not qualified pursuant to this Subchapter to perform a covered task if directed and observed by an individual that is qualified; [49 CFR 195.505(c)]

4. evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an accident as defined in this Subpart; [49 CFR 195.505(d)]

5. evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task; [49 CFR 195.505(e)]

6. communicate changes that affect covered tasks to individuals performing those covered tasks; and [49 CFR 195.505(f)]

7. identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed. [49 CFR 195.505(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2835 (December 2003).

§30507. Record Keeping [49 CFR 195.507]

A. Each operator shall maintain records that demonstrate compliance with this Subchapter.

1. Qualification records shall include: [49 CFR 195.507(a)]

a. identification of qualified individuals(s); [49 CFR 195.507(a)(1)]

b. identification of the covered tasks the individual is qualified to perform; [49 CFR 195.507(a)(2)]

c. date(s) of current qualification; and [49 CFR 195.507(a)(3)]

d. qualification method(s) [49 CFR 195.507(a)(4)]

2. Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years. [49 CFR 195.507(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30509. General [49 CFR 195.509]

A. Operators must have a written qualification program by April 27, 2001. [49 CFR 195.509(a)]

B. Operators must complete the qualification of individuals performing covered tasks by October 28, 2002. [49 CFR 195.509(b)]

C. Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to October 26, 1999. [49 CFR 195.509(c)]

D. After October 28, 2002 work performance history may not be used as a sole evaluation method. [49 CFR 195.509(d)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

Subchapter B. Corrosion Control [49 CFR Part 195 Subpart H]

§30551. What do the regulations in this Subchapter cover? [49 CFR 195.551]

A. This Subchapter prescribes minimum requirements for protecting steel pipelines against corrosion.

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30553. What special definitions apply to this Subchapter? [49 CFR 195.553]

A. As used in this Subchapter:

Active Corrosion? continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety or the environment.

Buried? covered or in contact with soil.

Electrical Survey? a series of closely spaced pipe-to-soil readings over a pipeline that are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline.

Pipeline Environment? includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion.

You? operator.

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30555. What are the qualifications for supervisors? [49 CFR 195.555]

A. You must require and verify that supervisors maintain a thorough knowledge of that portion of the corrosion control procedures established under §30402.C.3 for which they are responsible for insuring compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30557. Which Pipelines must have Coating for External Corrosion Control? [49 CFR 195.557]

A. Except bottoms of aboveground breakout tanks, each buried or submerged pipeline must have an external coating for external corrosion control if the pipeline is:

1. constructed, relocated, replaced, or otherwise changed after the applicable date in §30401.C, not including the movement of pipe covered by §30424; or [49 CFR 195.557(a)]

2. converted under §30111 and: [49 CFR 195.557(b)]

a. has an external coating that substantially meets §30559 before the pipeline is placed in service; or [49 CFR 195.557(b)(1)]

b. is a segment that is relocated, replaced, or substantially altered. [49 CFR 195.557(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30559. What coating material may I use for external corrosion control? [49 CFR 195.559]

A. Coating material for external corrosion control under §30557 must:

1. be designed to mitigate corrosion of the buried or submerged pipeline; [49 CFR 195.559(a)]

2. have sufficient adhesion to the metal surface to prevent under film migration of moisture; [49 CFR 195.559(b)]

3. be sufficiently ductile to resist cracking; [49 CFR 195.559(c)]

4. have enough strength to resist damage due to handling and soil stress; [49 CFR 195.559(d)]

5. support any supplemental cathodic protection; and [49 CFR 195.559(e)]

6. if the coating is an insulating type, have low moisture absorption and provide high electrical resistance. [49 CFR 195.559(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003).

§30561. When must I inspect pipe coating used for external corrosion control? [49 CFR 195.561]

A. You must inspect all external pipe coating required by §30557 just prior to lowering the pipe into the ditch or submerging the pipe. [49 CFR 195.561(a)]

B. You must repair any coating damage discovered. [49 CFR 195.561(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003).

§30563. Which pipelines must have cathodic protection? [49 CFR 195.563]

A. Each buried or submerged pipeline that is constructed, relocated, replaced, or otherwise changed after the applicable date in §30401.C must have cathodic protection. The cathodic protection must be in operation not later than 1 year after the pipeline is constructed, relocated, replaced, or otherwise changed, as applicable. [49 CFR 195.563(a)]

B. Each buried or submerged pipeline converted under §30111 must have cathodic protection if the pipeline: [49 CFR 195.563(b)]

1. has cathodic protection that substantially meets §30571 before the pipeline is placed in service; or [49 CFR 195.563(b)(1)]

2. is a segment that is relocated, replaced, or substantially altered. [49 CFR 195.563(b)(2)]

C. All other buried or submerged pipelines that have an effective external coating must have cathodic protection.¹ Except as provided by Subsection D of this section, this requirement does not apply to breakout tanks and does not apply to buried piping in breakout tank areas and pumping stations until December 29, 2003. [49 CFR 195.563(c)]

D. Bare pipelines, breakout tank areas, and buried pumping station piping must have cathodic protection in places where regulations in effect before January 28, 2002 required cathodic protection as a result of electrical inspections. See previous editions of this part in 49 CFR, parts 186 to 199. [49 CFR 195.563(d)]

E. Unprotected pipe must have cathodic protection if required by §30573.B. [49 CFR 195.563(e)]

¹A pipeline does not have an effective external coating material if the current required to cathodically protect the pipeline is substantially the same as if the pipeline were bare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003).

§30565. How do I install cathodic protection on breakout tanks? [49 CFR 195.565]

A. After October 2, 2000, when you install cathodic protection under §30563.A to protect the bottom of an aboveground breakout tank of more than 500 barrels (79.5 m³) capacity built to API Specification 12F, API Standard 620, or API Standard 650 (or its predecessor Standard 12C), you must install the system in accordance with API Recommended Practice 651. However, installation of the system need not comply with API Recommended Practice 651 on any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API Recommended Practice 651 is not necessary for the safety of the tank. [49 CFR 195.565]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003).

§30567. Which pipelines must have test leads and what must I do to install and maintain the leads? [49 CFR 195.567]

A. General. Except for offshore pipelines, each buried or submerged pipeline or segment of pipeline under cathodic protection required by this Subchapter must have electrical test leads for external corrosion control. However, this requirement does not apply until December 27, 2004 to pipelines or pipeline segments on which test leads were not required by regulations in effect before January 28, 2002. [49 CFR 195.567(a)]

B. Installation. You must install test leads as follows. [49 CFR 195.567(b)]

1. Locate the leads at intervals frequent enough to obtain electrical measurements indicating the adequacy of cathodic protection. [49 CFR 195.567(b)(1)]

2. Provide enough looping or slack so backfilling will not unduly stress or break the lead and the lead will otherwise remain mechanically secure and electrically conductive. [49 CFR 195.567(b)(2)]

3. Prevent lead attachments from causing stress concentrations on pipe. [49 CFR 195.567(b)(3)]

4. For leads installed in conduits, suitably insulate the lead from the conduit. [49 CFR 195.567(b)(4)]

5. At the connection to the pipeline, coat each bared test lead wire and bared metallic area with an electrical insulating material compatible with the pipe coating and the insulation on the wire. [49 CFR 195.567(b)(5)]

C. Maintenance. You must maintain the test lead wires in a condition that enables you to obtain electrical measurements to determine whether cathodic protection complies with §30571. [49 CFR 195.567(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003).

§30569. Do I have to examine exposed portions of buried pipelines? [49 CFR 195.569]

A. Whenever you have knowledge that any portion of a buried pipeline is exposed, you must examine the exposed portion for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If you find external

corrosion requiring corrective action under §30585, you must investigate circumferentially and longitudinally beyond the exposed portion (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the exposed portion. [49 CFR 195.569]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003).

§30571. What criteria must I use to determine the adequacy of cathodic protection? [49 CFR 195.571]

A. Cathodic protection required by this subchapter must comply with one or more of the applicable criteria and other considerations for cathodic protection contained in Paragraphs 6.2 and 6.3 of NACE Standard RP0169-96 (incorporated by reference, see §30107). [49 CFR 195.571]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003).

§30573. What must I do to monitor external corrosion control? [49 CFR 195.573]

A. Protected Pipelines. You must do the following to determine whether cathodic protection required by this Subchapter complies with §30571. [49 CFR 195.573(a)]

1. Conduct tests on the protected pipeline at least once each calendar year, but with intervals not exceeding 15 months. However, if tests at those intervals are impractical for separately protected short sections of bare or ineffectively coated pipelines, testing may be done at least once every 3 calendar years, but with intervals not exceeding 39 months. [49 CFR 195.573(a)(1)]

2. Identify before December 29, 2003 or not more than two years after cathodic protection is installed, whichever comes later, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE Standard RP0169-96 (incorporated by reference, see §30107). [49 CFR 195.573(a)(2)]

B. Unprotected Pipe. You must reevaluate your unprotected buried or submerged pipe and cathodically protect the pipe in areas in which active corrosion is found, as follows. [49 CFR 195.573(b)]

1. Determine the areas of active corrosion by electrical survey, or where an electrical survey is impractical, by other means that include review and analysis of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. [49 CFR 195.573(b)(1)]

2. For the period in the first column, the second column prescribes the frequency of evaluation. [49 CFR 195.573(b)(2)]

Period	Evaluation Frequency
Before December 29, 2003	At least once every 5 calendar years, but with intervals not exceeding 63 months.
Beginning December 29, 2003	At least once every 3 calendar years, but with intervals not exceeding 39 months.

C. Rectifiers and Other Devices. You must electrically check for proper performance each device in the first column at the frequency stated in the second column. [49 CFR 195.573(c)]

Device	Check frequency
Rectifier Reverse current switch Diode Interference bond whose failure would jeopardize structural protection.	At least six times each calendar year, but with intervals not exceeding 2 1/2 months.
Other interference bond	At least once each calendar year, but with intervals not exceeding 15 months.

D. Breakout Tanks. You must inspect each cathodic protection system used to control corrosion on the bottom of an aboveground breakout tank to ensure that operation and maintenance of the system are in accordance with API Recommended Practice 651. However, this inspection is not required if you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain operation and maintenance provisions of API Recommended Practice 651 is not necessary for the safety of the tank. [49 CFR 195.573(d)]

E. Corrective Action. You must correct any identified deficiency in corrosion control as required by §30401.B. However, if the deficiency involves a pipeline in an integrity management program under §30452, you must correct the deficiency as required by §30452.H. [49 CFR 195.573(e)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003).

§30575. Which facilities must I electrically isolate and what inspections, tests, and safeguards are required? [49 CFR 195.575]

A. You must electrically isolate each buried or submerged pipeline from other metallic structures, unless you electrically interconnect and cathodically protect the pipeline and the other structures as a single unit. [49 CFR 195.575(a)]

B. You must install one or more insulating devices where electrical isolation of a portion of a pipeline is necessary to facilitate the application of corrosion control. [49 CFR 195.575(b)]

C. You must inspect and electrically test each electrical isolation to assure the isolation is adequate. [49 CFR 195.575(c)]

D. If you install an insulating device in an area where a combustible atmosphere is reasonable to foresee, you must take precautions to prevent arcing. [49 CFR 195.575(d)]

E. If a pipeline is in close proximity to electrical transmission tower footings, ground cables, or counterpoise, or in other areas where it is reasonable to foresee fault currents or an unusual risk of lightning, you must protect the pipeline against damage from fault currents or lightning and take protective measures at insulating devices. [49 CFR 195.575(e)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003).

§30577. What must I do to alleviate interference currents? [49 CFR 195.577]

A. For pipelines exposed to stray currents, you must have a program to identify, test for, and minimize the detrimental effects of such currents. [49 CFR 195.577(a)]

B. You must design and install each impressed current or galvanic anode system to minimize any adverse effects on existing adjacent metallic structures. [49 CFR 195.577(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003).

§30579. What must I do to mitigate internal corrosion? [49 CFR 195.579]

A. General. If you transport any hazardous liquid or carbon dioxide that would corrode the pipeline, you must investigate the corrosive effect of the hazardous liquid or carbon dioxide on the pipeline and take adequate steps to mitigate internal corrosion. [49 CFR 195.579(a)]

B. Inhibitors. If you use corrosion inhibitors to mitigate internal corrosion, you must: [49 CFR 195.579(b)]

1. use inhibitors in sufficient quantity to protect the entire part of the pipeline system that the inhibitors are designed to protect; [49 CFR 195.579(b)(1)]

2. use coupons or other monitoring equipment to determine the effectiveness of the inhibitors in mitigating internal corrosion; and [49 CFR 195.579(b)(2)]

3. examine the coupons or other monitoring equipment at least twice each calendar year, but with intervals not exceeding 7 1/2 months. [49 CFR 195.579(b)(3)]

C. Removing Pipe. Whenever you remove pipe from a pipeline, you must inspect the internal surface of the pipe for evidence of corrosion. If you find internal corrosion requiring corrective action under §30585, you must investigate circumferentially and longitudinally beyond the removed pipe (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the removed pipe. [49 CFR 195.579(c)]

D. Breakout Tanks. After October 2, 2000, when you install a tank bottom lining in an aboveground breakout tank built to API Specification 12F, API Standard 620, or API Standard 650 (or its predecessor Standard 12C), you must install the lining in accordance with API Recommended Practice 652. However, installation of the lining need not comply with API Recommended Practice 652 on any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API Recommended Practice 652 is not necessary for the safety of the tank. [49 CFR 195.579(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003).

§30581. Which pipelines must I protect against atmospheric corrosion and what coating material may I use? [49 CFR 195.581]

A. You must clean and coat each pipeline or portion of pipeline that is exposed to the atmosphere, except pipelines under Subsection C of this Section. [49 CFR 195.581(a)]

B. Coating material must be suitable for the prevention of atmospheric corrosion. [49 CFR 195.581(b)]

C. Except portions of pipelines in offshore splash zones or soil-to-air interfaces, you need not protect against atmospheric corrosion any pipeline for which you demonstrate by test, investigation, or experience appropriate to the environment of the pipeline that corrosion will: [49 CFR 195.581(c)]

1. only be a light surface oxide; or [49 CFR 195.581(c)(1)]

2. not affect the safe operation of the pipeline before the next scheduled inspection. [49 CFR 195.581(c)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003).

§30583. What must I do to monitor atmospheric corrosion control? [49 CFR 195.583]

A. You must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows. [49 CFR 195.583(a)]

If the pipeline is located:	Then the frequency of inspection is:
Onshore	At least once every 3 calendar years, but with intervals not exceeding 39 months.
Offshore	At least once each calendar year, but with intervals not exceeding 15 months.

B. During inspections you must give particular attention to pipe at soil-to-air interfaces, under thermal insulation, under disbonded coatings, at pipe supports, in splash zones, at deck penetrations, and in spans over water. [49 CFR 195.583(b)]

C. If you find atmospheric corrosion during an inspection, you must provide protection against the corrosion as required by §30581. [49 CFR 195.583(c)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003).

§30585. What must I do to correct corroded pipe? [49 CFR 195.585]

A. General Corrosion. If you find pipe so generally corroded that the remaining wall thickness is less than that required for the maximum operating pressure of the pipeline, you must replace the pipe. However, you need not replace the pipe if you: [49 CFR 195.585(a)]

1. reduce the maximum operating pressure commensurate with the strength of the pipe needed for serviceability based on actual remaining wall thickness; or [49 CFR 195.585(a)(1)]

2. repair the pipe by a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe. [49 CFR 195.585(a)(2)]

B. Localized Corrosion Pitting. If you find pipe that has localized corrosion pitting to a degree that leakage might result, you must replace or repair the pipe, unless you reduce the maximum operating pressure commensurate with the strength of the pipe based on actual remaining wall thickness in the pits. [49 CFR 195.585(b)]

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003).

§30587. What methods are available to determine the strength of corroded pipe? [49 CFR 195.587]

A. Under §30585, you may use the procedure in ASME B31G, "Manual for Determining the Remaining Strength of Corroded Pipelines," or the procedure developed by AGA/Battelle, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe (with RSTRENG disk)," to determine the strength of corroded pipe based on actual remaining wall thickness. These procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations set out in the respective procedures. [49 CFR 195.587]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2840 (December 2003).

§30589. What corrosion control information do I have to maintain? [49 CFR 195.589]

A. You must maintain current records or maps to show the location of: [49 CFR 195.589(a)]

1. cathodically protected pipelines; [49 CFR 195.589(a)(1)]

2. cathodic protection facilities, including galvanic anodes, installed after January 28, 2002; and [49 CFR 195.589(a)(2)]

3. neighboring structures bonded to cathodic protection systems. [49 CFR 195.589(a)(3)]

B. Records or maps showing a stated number of anodes, installed a stated manner or spacing, need not show specific distances to each buried anode. [49 CFR 195.589(b)]

C. You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this Subchapter in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least five years, except that records related to §§30569, 30573.A and B, and 30579.B.3 and C must be retained for as long as the pipeline remains in service. [49 CFR 195.589(c)]

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Chapter 309. Transportation of Hazardous Liquids by Pipeline? Appendices [49 CFR Part 195]

§30901. Reserved.

§30903. Reserved.

§30905. Appendix C to Subpart 3? Guidance for Implementation of Integrity Management Program [49 CFR Part 195 Appendix C]

This Appendix gives guidance to help an operator implement the requirements of the integrity management program rule in §30450 and §30452. Guidance is provided on:

1. information an operator may use to identify a high consequence area and factors an operator can use to consider the potential impacts of a release on an area;

2. risk factors an operator can use to determine an integrity assessment schedule;

3. safety risk indicator tables for leak history, volume or line size, age of pipeline, and product transported, an operator may use to determine if a pipeline segment falls into a high, medium or low risk category;

4. types of internal inspection tools an operator could use to find pipeline anomalies;

5. measures an operator could use to measure an integrity management program's performance;

6. types of records an operator will have to maintain; and

7. types of conditions that an integrity assessment may identify that an operator should include in its required schedule for evaluation and remediation.

I. Identifying a High Consequence Area and Factors for Considering a Pipeline Segment's Potential Impact on a High Consequence Area

A. The rule defines a High Consequence Area as a high population area, an other populated area, an unusually sensitive area, or a commercially navigable waterway. The Office of Pipeline Safety (OPS) will map these areas on the National Pipeline Mapping System (NPMS). An operator, member of the public, or other government agency may view and download the data from the NPMS home page <http://www.npms.rspa.dot.gov>. OPS will maintain the NPMS and update it periodically. However, it is an operator's responsibility to ensure that it has identified all high consequence areas that could be affected by a pipeline segment. An operator is also responsible for periodically evaluating its pipeline segments to look for population or environmental changes that may have occurred around the pipeline and to keep its program current with this information. (Refer to §30452.D.3.) For more information to help in identifying high consequence areas, an operator may refer to:

1. Digital Data on populated areas available on U.S. Census Bureau maps;

2. Geographic Database on the commercial navigable waterways available on <http://www.bts.gov/gis/ntatlas/networks.html>;

3. the Bureau of Transportation Statistics database that includes commercially navigable waterways and non-commercially navigable waterways. The database can be downloaded from the BTS website at <http://www.bts.gov/gis/ntatlas/networks.html>.

B. The rule requires an operator to include a process in its program for identifying which pipeline segments could

affect a high consequence area and to take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area. (See §30452.F and I.) Thus, an operator will need to consider how each pipeline segment could affect a high consequence area. The primary source for the listed risk factors is a US DOT study on instrumented Internal Inspection devices (November 1992). Other sources include the National Transportation Safety Board, the Environmental Protection Agency and the Technical Hazardous Liquid Pipeline Safety Standards Committee. The following list provides guidance to an operator on both the mandatory and additional factors:

1. terrain surrounding the pipeline. An operator should consider the contour of the land profile and if it could allow the liquid from a release to enter a high consequence area. An operator can get this information from topographical maps such as U.S. Geological Survey quadrangle maps;

2. drainage systems such as small streams and other smaller waterways that could serve as a conduit to a high consequence area;

3. crossing of farm tile fields. An operator should consider the possibility of a spillage in the field following the drain tile into a waterway;

4. crossing of roadways with ditches along the side. The ditches could carry a spillage to a waterway;

5. the nature and characteristics of the product the pipeline is transporting (refined products, crude oils, highly volatile liquids, etc.) Highly volatile liquids become gaseous when exposed to the atmosphere. A spillage could create a vapor cloud that could settle into the lower elevation of the ground profile;

6. physical support of the pipeline segment such as by a cable suspension bridge. An operator should look for stress indicators on the pipeline (strained supports, inadequate support at towers), atmospheric corrosion, vandalism, and other obvious signs of improper maintenance;

7. operating conditions of the pipeline (pressure, flow rate, etc.) Exposure of the pipeline to an operating pressure exceeding the established maximum operating pressure;

8. the hydraulic gradient of the pipeline;

9. the diameter of the pipeline, the potential release volume, and the distance between isolation points;

10. potential physical pathways between the pipeline and the high consequence area;

11. response capability (time to respond, nature of response);

12. potential natural forces inherent in the area (flood zones, earthquakes, subsidence areas, etc.).

II. Risk Factors for Establishing Frequency of Assessment

A. By assigning weights or values to the risk factors, and using the risk indicator tables, an operator can determine the priority for assessing pipeline segments, beginning with those segments that are of highest risk, that have not previously been assessed. This list provides some guidance on some of the risk factors to consider (see §30452.E). An operator should also develop factors specific to each pipeline segment it is assessing, including:

1. populated areas, unusually sensitive environmental areas, National Fish Hatcheries, commercially navigable waters, areas where people congregate;

2. results from previous testing/inspection. (See §30452.H.);

3. leak history. (See leak history risk table.);

4. known corrosion or condition of pipeline. (See §30452.G.);

5. cathodic protection history;

6. type and quality of pipe coating (disbonded coating results in corrosion);

7. age of pipe (older pipe shows more corrosion—may be uncoated or have an ineffective coating) and type of pipe seam. (See Age of Pipe risk table.);

8. product transported (highly volatile, highly flammable and toxic liquids present a greater threat for both people and the environment)(see Product transported risk table.);

9. pipe wall thickness (thicker walls give a better safety margin);

10. size of pipe (higher volume release if the pipe ruptures);

11. location related to potential ground movement (e.g., seismic faults, rock quarries, and coal mines); climatic (permafrost causes settlement-Alaska); geologic (landslides or subsidence);

12. security of throughput (effects on customers if there is failure requiring shutdown);

13. time since the last internal inspection/pressure testing;

14. with respect to previously discovered defects/anomalies, the type, growth rate, and size;

15. operating stress levels in the pipeline;

16. location of the pipeline segment as it relates to the ability of the operator to detect and respond to a leak. (e.g., pipelines deep underground, or in locations that make leak detection difficult without specific sectional monitoring and/or significantly impede access for spill response or any other purpose);

17. physical support of the segment such as by a cable suspension bridge;

18. non-standard or other than recognized industry practice on pipeline installation (e.g., horizontal directional drilling).

B. Example. This example illustrates a hypothetical model used to establish an integrity assessment schedule for a hypothetical pipeline segment. After we determine the risk factors applicable to the pipeline segment, we then assign values or numbers to each factor, such as, high (5), moderate (3), or low (1). We can determine an overall risk classification (A, B, C) for the segment using the risk tables and a sliding scale (values 5 to 1) for risk factors for which tables are not provided. We would classify a segment as C if it fell above 2/3 of maximum value (highest overall risk value for any one segment when compared with other segments of a pipeline), a segment as B if it fell between 1/3 to 2/3 of maximum value, and the remaining segments as A.

i. For the baseline assessment schedule, we would plan to assess 50 percent of all pipeline segments covered by the rule, beginning with the highest risk segments, within the first 3 1/2 years and the remaining segments within the seven-year period. For the continuing integrity assessments, we would plan to assess the C segments within the first two years of the schedule, the segments classified as moderate risk no later than year three

or four and the remaining lowest risk segments no later than year five.

ii. For our hypothetical pipeline segment, we have chosen the following risk factors and obtained risk factor values from the appropriate table. The values assigned to the risk factors are for illustration only.

- Age of pipeline:* assume 30 years old (refer to "Age of Pipeline" risk table)-
Risk Value=5
- Pressure tested:* tested once during construction-
Risk Value=5
- Coated:* (yes/no)-yes
- Coating Condition:* Recent excavation of suspected areas showed holidays in coating (potential corrosion risk)-
Risk Value=5
- Cathodically Protected:* (yes/no)-yes-Risk Value=1
- Date cathodic protection installed:* five years after pipeline was constructed (Cathodic protection installed within one year of the pipeline's construction is generally considered low risk.)-Risk Value=3
- Close interval survey:* (yes/no)-no-Risk Value=3
- Close interval survey:* (yes/no)-no-Risk Value=5
- Internal Inspection tool used:* (yes/no)-no-Risk Value=5
- Date of pig run?* In last five years-Risk Value=1
- Anomalies found:* (yes/no)-yes, but do not pose an immediate safety risk or environmental hazard-Risk Value=3
- Leak History:* yes, one spill in last 10 years. (refer to "Leak History" risk table)-Risk Value=2
- Product transported:* Diesel fuel. Product low risk. (refer to "Product" risk table)-Risk Value=1
- Pipe size:* 16 inches. Size presents moderate risk (refer to "Line Size" risk table)-Risk Value=3

iii. Overall risk value for this hypothetical segment of pipe is 34. Assume that we have two other pipeline segments for which we conduct similar risk rankings. The second pipeline segment has an overall risk value of 20, and the third segment, 11. For the baseline assessment we would establish a schedule where we assess the first segment (highest risk segment) within two years, the second segment within five years and the third segment within seven years. Similarly, for the continuing integrity assessment, we could establish an assessment schedule where we assess the highest risk segment no later than the second year, the second segment no later than the third year, and the third segment no later than the fifth year.

III. Safety Risk Indicator Tables for Leak History, Volume or Line Size, Age of Pipeline, and Product Transported

Safety Risk Indicator	Leak History (Time-dependent defects) ¹
High	>3 Spills in last 10 years
Low	<3 Spills in last 10 years

¹Time-dependent defects are those that result in spills due to corrosion, gouges, or problems developed during manufacture, construction or operation, etc.

Line Size or Volume Transported	
Safety Risk Indicator	Line Size
High	18"
Moderate	10"-16" nominal diameters
Low	8" nominal diameter

Age of Pipeline	
Safety Risk Indicator	Age Pipeline Condition Dependent ²
High	>25 years
Low	25 years

²Depends on pipeline's coating and corrosion condition, and steel quality, toughness, welding.

Product Transported		
Safety Risk Indicator	Considerations ³	Product Examples
High	(Highly volatile and flammable)	(Propane, butane, Natural Gas Liquid (NGL), ammonia).
	Highly toxic	(Benzene, high Hydrogen Sulfide content crude oils).
Medium	Flammable-flashpoint<100F	(Gasoline, JP4, low flashpoint crude oils).
Low	Non-flammable-flashpoint 100+F	(Diesel, fuel oil, kerosene, JP5, most crude oils).

³The degree of acute and chronic toxicity to humans, wildlife, and aquatic life; reactivity; and volatility, flammability, and water solubility determine the Product Indicator. Comprehensive Environmental Response, Compensation and Liability Act Reportable Quantity values may be used as an indication of chronic toxicity. National Fire Protection Association health factors may be used for rating acute hazards.

IV. Types of Internal Inspection Tools to Use

An operator should consider at least two types of internal inspection tools for the integrity assessment from the following list. The type of tool or tools an operator selects will depend on the results from previous internal inspection runs, information analysis and risk factors specific to the pipeline segment:

1. geometry internal inspection tools for detecting changes to ovality, e.g., bends, dents, buckles or wrinkles, due to construction flaws or soil movement, or other outside force damage;
2. metal loss tools (ultrasonic and magnetic flux leakage) for determining pipe wall anomalies, e.g., wall loss due to corrosion;
3. crack detection tools for detecting cracks and crack-like features, e.g., stress corrosion cracking (SCC), fatigue cracks, narrow axial corrosion, toe cracks, hook cracks, etc.

V. Methods to Measure Performance

A. General

1. This guidance is to help an operator establish measures to evaluate the effectiveness of its integrity management program. The performance measures required will depend on the details of each integrity management program and will be based on an understanding and analysis of the failure mechanisms or threats to integrity of each pipeline segment.

2. An operator should select a set of measurements to judge how well its program is performing. An operator's objectives for its program are to ensure public safety, prevent or minimize leaks and spills and prevent property and environmental damage. A typical integrity management program will be an ongoing program it may contain many elements. Therefore, several performance measure are likely to be needed to measure the effectiveness of an ongoing program.

B. Performance Measures. These measures show how a program to control risk on pipeline segments that could affect a high consequence area is progressing under the integrity management requirements. Performance measures generally fall into three categories.

1. Selected Activity Measures? Measures that monitor the surveillance and preventive activities the operator has implemented. These measures indicate how well an operator is implementing the various elements of its integrity management program.

2. Deterioration Measures? Operation and maintenance trends that indicate when the integrity of the system is weakening despite preventive measures. This category of performance measure may indicate that the system condition is deteriorating despite well executed preventive activities.

3. Failure Measures? Leak History, incident response, product loss, etc. These measures will indicate progress towards fewer spills and less damage.

C. Internal vs. External Comparisons. These comparisons show how a pipeline segment that could affect a high consequence area is progressing in comparison to the operator's other pipeline segments that are not covered by the integrity management requirements and how that pipeline segment compares to other operator's pipeline segments.

1. Internal? Comparing data from the pipeline segment that could affect the high consequence area with data from pipeline segments in other areas of the system may indicate the effects from the attention given to the high consequence area.

2. External? Comparing data external to the pipeline segment (e.g., OPS incident data) may provide measures on the frequency and size of leaks in relation to other companies.

D. Examples. Some examples of performance measures an operator could use include:

1. a performance measurement goal to reduce the total volume from unintended releases by __ percent (percent to be determined by operator) with an ultimate goal of zero;

2. a performance measurement goal to reduce the total number of unintended releases (based on a threshold of five gallons) by __ percent (percent to be determined by operator) with an ultimate goal of zero;

3. a performance measurement goal to document the percentage of integrity management activities completed during the calendar year;

4. a performance measurement goal to track and evaluate the effectiveness of the operator's community outreach activities;

5. a narrative description of pipeline system integrity, including a summary of performance improvements, both qualitative and quantitative, to an operator's integrity management program prepared periodically;

6. a performance measure based on internal audits of the operator's pipeline system per this Subpart;

7. a performance measure based on external audits of the operator's pipeline system per this Subpart;

8. a performance measure based on operational events (for example: relief occurrences, unplanned valve closure, SCADA outages, etc.) that have the potential to adversely affect pipeline integrity;

9. a performance measure to demonstrate that the operator's integrity management program reduces risk over time with a focus on high risk items;

10. a performance measure to demonstrate that the operator's integrity management program for pipeline stations and terminals reduces risk over time with a focus on high risk items.

VI. Examples of Types of Records an Operator Must Maintain

The Rule requires an operator to maintain certain records. (See §30452.L). This Section provides examples of some records that an operator would have to maintain for inspection to comply with the requirement. This is not an exhaustive list:

1. a process for identifying which pipelines could affect a high consequence area and a document identifying all pipeline segments that could affect a high consequence area;

2. a plan for baseline assessment of the line pipe that includes each required plan element;

3. modification to the baseline plan and reasons for the modification;

4. use of and support for an alternative practice;

5. a framework addressing each required element of the integrity management program, updates and changes to the initial framework and eventual program;

6. a process for identifying a new high consequence area and incorporating it into the baseline plan, particularly, a process for identifying population changes around a pipeline segment;

7. an explanation of methods selected to assess the integrity of line pipe;

8. a process for review of integrity assessment results and data analysis by a person qualified to evaluate the results and data;

9. the process and risk factors for determining the baseline assessment interval;

10. results of the baseline integrity assessment;

11. the process used for continual evaluation, and risk factors used for determining the frequency of evaluation;

12. process for integrating and analyzing information about the integrity of a pipeline, information and data used for the information analysis;

13. results of the information analyses and periodic evaluations;

14. the process and risk factors for establishing continual reassessment intervals;

15. justification to support any variance from the required reassessment intervals;

16. integrity assessment results and anomalies found, process for evaluating and remediating anomalies, criteria for remedial actions and actions taken to evaluate and remediate the anomalies;

17. other remedial actions planned or taken;

18. schedule for evaluation and remediation of anomalies, justification to support deviation from required remediation times;

19. risk analysis used to identify additional preventive or mitigative measures, records of preventive and mitigative actions planned or taken;

- 20. criteria for determining EFRD installation;
- 21. criteria for evaluating and modifying leak detection capability;
- 22. methods used to measure the program's effectiveness.

VII. Conditions that May Impair a Pipeline's Integrity

Section 30452.H requires an operator to evaluate and remediate all pipeline integrity issues raised by the integrity assessment or information analysis. An operator must develop a schedule that prioritizes conditions discovered on the pipeline for evaluation and remediation. The following are some examples of conditions that an operator should schedule for evaluation and remediation:

- A. any change since the previous assessment;
- B. mechanical damage that is located on the top side of the pipe;
- C. an anomaly abrupt in nature;
- D. an anomaly longitudinal in orientation;
- E. an anomaly over a large area;
- F. an anomaly located in or near a casing, a crossing of another pipeline, or an area with suspect cathodic protection.

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HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2840 (December 2003).

Chapter 313. Hazardous Liquids Pipeline Enforcement

§31301. Scope

A. This regulation prescribes the authority of the assistant secretary of the Office of Conservation and procedures to be utilized by him in carrying out his duties regarding administration and enforcement of R.S. 30:701 et seq., and the rules and regulations promulgated thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2844 (December 2003).

§31303. Service

A. Except as herein provided, any order, notice or other documents required to be served under this regulation shall be served personally or by registered or certified mail.

B. Should the assistant secretary elect to make personal service, it may be made by any officer authorized to serve process or any agent or employee of the assistant secretary in the same manner as is provided by law for the service of citation in civil actions in the district courts. Proof of service by an agent or employee shall be by the affidavit of the person making it.

C. Service upon a person's duly authorized representative, officer or agent constitutes service upon that person.

D. Service by registered or certified mail is complete upon mailing. An official U.S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2844 (December 2003).

§31305. Subpoenas

A. The assistant secretary may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any person participating in any proceeding before the assistant secretary that the information sought is relevant and will materially advance the proceeding.

B. A subpoena may require the attendance of a witness for the purpose of giving testimony, or the production of documents or other tangible evidence in the possession or under the control of the person served, or both.

C. A subpoena may be served by any agent of the Department of Conservation, by the sheriff of the parish where service is to be made or the parish where the action is pending or by any other person authorized by law to serve process in this state.

D. Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of a subpoena may be made by handing them to the person, leaving them at his office with persons in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, or by any method whereby actual notice is given to him.

E. When the person to be served is not a natural person, delivery of a copy of the subpoena may be affected by handing them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person.

F. The original subpoena bearing a certificate of service shall be filed in the assistant secretary's records for the proceedings in connection with which the subpoena was issued.

G. No person shall be excused from attending and testifying or producing books, papers, or records, or from obeying the subpoena of the assistant secretary, or of a court of record on the grounds that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. Pursuant to R.S. 30:8(4), no natural person shall be subject to criminal prosecution or to any penalty or forfeiture on account of anything concerning which he may be required to testify or produce evidence before the assistant secretary or a court of law; however, no person testifying shall be exempt from prosecution and punishment for perjury.

H. In the case of failure or refusal of a person to comply with a subpoena issued by the assistant secretary, or in the case of a refusal of a witness to testify or answer as to a matter regarding which he may be lawfully interrogated, any district court on the application of the assistant secretary may, in term time or in vacation, issue an attachment for the person to compel him to comply with the subpoena and to attend before the assistant secretary with the desired documents and to give his testimony upon whatever matters are lawfully required. The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2844 (December 2003).

§31307. Inspection, Field Inspection Reports

A. Officers, employees or agents authorized by the assistant secretary, upon presenting proper credentials, are authorized to enter upon, inspect and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent that such records and properties are relevant to determining compliance of such person with R.S. 30:701 et seq. or any rules, regulations or orders issued thereunder.

B. Inspection may be conducted pursuant to a routine schedule, a complaint received from a member of the public, information obtained from a previous inspection, report of accident or incident involving facilities, or whenever deemed appropriate by the assistant secretary.

C. If, after inspection, the assistant secretary believes that further information is needed or required to determine compliance or appropriate action, the assistant secretary may request specific information of the person or operator to be answered within ten days of receipt of said request.

D. The assistant secretary may, to the extent necessary to carry out his responsibilities, require reasonable testing of any portion of a facility in connection with a violation or suspected violation.

E. When information obtained from an inspection indicates that a violation has probably occurred, the inspector shall complete a field inspection report as to the nature of the violation citing the specific provisions which have been violated. Said field inspection report shall be filed with the assistant secretary for review and further action, if appropriate.

F. The assistant secretary or his agent, after review of the field inspection report, and depending upon the severity of the violation and the exigency of the situation, may issued to the operator a letter of non-compliance or initiate one or more enforcement proceedings prescribed by §31311-§31314.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2845 (December 2003).

§31309. Letter of Non-Compliance; Relief Therefrom

A. Upon determination that a probable violation of R.S. 30:701 et seq., or any rule, regulation or order issued thereunder has occurred, the assistant secretary may institute enforcement procedures by serving upon the hazardous liquid pipeline operator a letter of non-compliance notifying said operator of said probable violation and directing said operator to correct said violation within a designated period of time to be determined by the assistant secretary or be subject to enforcement action prescribed by §§31311-31319. A copy of the field inspection report or other evidence of violation shall be attached to the letter of non-compliance. The letter of non-compliance may inform the operator of the time at which reinspection of the facility will be conducted to confirm compliance and shall inform the operator of the time delays and procedure available to said operator for securing relief from said letter of non-compliance.

B. Except in cases of emergency action instituted pursuant to §31315, within seven days of receipt of a letter of non-compliance, the operator who believes himself to be in compliance with the applicable statute and the rules,

regulations or orders issued thereunder or who believes the time limits imposed upon him for compliance to be burdensome, may request a conference before the assistant secretary or his designated agent. The operators request for said conference may be verbal or presented in writing.

C. The conference before the assistant secretary or his agent shall be informal without strict adherence to rules of evidence. The operator may submit any relevant information and materials which shall become part of the record and may examine the assistant secretary's files relative to the probable violation. If circumstances are deemed appropriate by the assistant secretary and upon request of the operator, this conference may be held by telephone conference.

D. Upon conclusion of the conference for relief, the assistant secretary may issue to the operator a modified letter of non-compliance extending the time for compliance or containing such other terms and conditions as may be appropriate considering the nature of the probable violation, the circumstances and exigency of the situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2845 (December 2003).

§31311. Reinspection, Show Cause Conference

A. Upon expiration of the delay allowed in the letter of non-compliance or modified letter of non-compliance for correcting said probable violation, the operator's facilities shall be reinspected and if the operator is found to be in compliance, the enforcement file for said violation will be closed.

B. If upon reinspection the operator is found to be in violation of the statute, rule or regulation for which a letter of non-compliance has been issued, the assistant secretary may:

1. re-issue citation to the operator in the form of a letter of non-compliance containing such modifications or extensions of time as the case may warrant;

2. require that the operator attend a show cause conference with the assistant secretary or his agent to review the complaint and the operator's efforts in resolving or correcting the violation and at the conclusion of said conference the assistant secretary may re-issue a modified letter of non-compliance containing such modifications or extensions of time as the case may warrant; or

3. immediately after reinspection or after the show cause conference, initiate one or more enforcement proceedings prescribed by §§31313-31319.

C. The show cause conference shall be conducted informally without strict adherence to the rules of evidence.. The operator may submit any relevant information, call witnesses on his behalf, and examine the evidence and witnesses against him. No detailed record of said conference shall be prepared but said record shall contain the materials in the enforcement case file pertinent to the issues, relevant submissions of the operator and the written recommendations of the assistant secretary or his agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2845 (December 2003).

§31313. Show Cause Hearing, Notice, Rules of Procedure, Record, Order of Compliance

A. At any time that the assistant secretary determines that such action is appropriate, he may direct that an operator attend a formal show cause hearing and to show cause at said hearing why he should not be compelled to comply with applicable statutes and the rules and regulations promulgated thereunder.

B. The operator shall be given at least 10 days notice of said show cause hearing in the manner herein provided and shall be required to attend. The assistant secretary may issue such subpoenas as may be necessary for the attendance of witnesses and the production of documents.

C. The show cause hearing shall be conducted in accordance with the procedures for adjudication prescribed by the Administrative Procedure Act (R.S. 49:950 et seq.).

D. The record of the case shall include those items required by R.S. 49:955(E) together with the enforcement file for the violation in question which enforcement file may include inspection reports and other evidence of violation, letters of non-compliance, modified letters of non-compliance, materials submitted by the operator pursuant to §31309 and §31311, all correspondence and orders directed to the operator by the assistant secretary, all correspondence received by the assistant secretary from the operator, and evaluations and recommendations of the assistant secretary or his staff.

E. After conclusion of the show cause hearing the assistant secretary shall issue an order of compliance directed to the operator setting forth findings and determinations on all material issues, including a determination as to whether each alleged violation has been proven, and a statement of the actions required to be taken by the operator and the time by which such actions must be accomplished. The compliance order shall become final as specified by the Administrative Procedure Act.

F. The assistant secretary may tax the operator with all costs of said hearing including but not limited to transcription and service costs and hearing fees in the amount prescribed by R.S. 30:21.

G. The operator and the assistant secretary may consent to waiver of the show cause hearing and enter into a consent order which will become final and non-appealable upon its issuance.

H. If the operator fails to comply with the final order of compliance, the assistant secretary may take whatever civil or criminal action is necessary to enforce said order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2846 (December 2003).

§31315. Emergency

A. Should the assistant secretary, the director of pipelines or the chief of pipeline safety find an existing emergency due to non-compliance with law or the rules, regulations or orders issued pursuant thereto or due to leakage or other hazard which in his judgment requires the issuance of an emergency order or an order for the immediate termination of the offending service without first complying with the procedures set forth herein and without having a hearing, he may issue the emergency order or terminate said offending service and invoke a show cause hearing pursuant to §31313

requiring the operator to show cause why the circumstances giving rise to the emergency should not be corrected. The emergency order or order for termination of the offending service shall remain in force no longer than 15 days from its effective date. In any event, the emergency order shall expire when the order made after notice and hearing with respect to the same subject matter becomes effective. An emergency is defined as any situation where there is a substantial likelihood that loss of life, personal injury, health or property will result before the procedures under this regulation for notice and hearing can be fully complied with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2846 (December 2003).

§31317. Hazardous Facility Orders

A. Notwithstanding any self imposed regulatory limitations, if the assistant secretary finds, after reasonable notice and an opportunity to be heard in accordance with §31313, a particular pipeline facility subject to R.S. 30:701 to be hazardous to life or property, he may issue an order requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, inspection, testing, repair, replacement, or other action as appropriate. The provisions of §31315 shall also be applicable for issuance of hazardous facility orders on an emergency basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2846 (December 2003).

§31319. Civil Enforcement, Injunction

A. Whenever it appears to the assistant secretary that any person or operator has engaged, is engaged, or is about to engage in any act or practice constituting a violation of R.S. 30:701 et seq., or any rule, regulation or order issued thereunder, he may bring an action in the court having jurisdiction, to enjoin such acts or practice and to enforce compliance with the applicable statute and the rules, regulations and orders issued pursuant thereto, and upon proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with the applicable law or any rule, regulation or order issued thereunder, and to make restitution of money received in violation of any such rule, regulation or order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2846 (December 2003).

§31321. Violation, Penalties

A. After notice and opportunity to be heard, in accordance with §31313, the assistant secretary may, after determining that a person has violated any provision of R.S. 30:701, et seq., or any rule, regulation or order issued pursuant thereto, assess a civil penalty upon or against said person not to exceed the amounts fixed by statute, particularly, but not exclusively, R.S. 30:705. The amount of the penalty shall be assessed by the assistant secretary by written notice. In determining the amount of penalty, the

assistant secretary shall consider the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, any history of prior effect on ability to continue to do business, any good faith in attempting to achieve compliance, ability to pay the penalty, and such other matters as justice may require.

B. The assistant secretary may transmit such evidence as may be available concerning acts or practice in violation or R.S. 30:701, et seq. or any rules, regulation or order issued pursuant thereto or any order issued pursuant to this regulation to the district attorney having jurisdiction over same who, in his discretion, may institute necessary proceedings to collect the fines and impose the penalties provided by statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2846 (December 2003).

§31323. Waiver of Compliance with Standards

A. Upon application by any person engaged in the transportation of hazardous liquids or the operation of intrastate pipeline facilities, the assistant secretary shall, by order, after notice and opportunity for hearing and under such terms and conditions and to such extent as the assistant secretary may deem reasonable and proper, waive in whole or in part compliance with any standard established under R.S. 30:701 et seq., if he determines that compliance with such standard works a substantial hardship on an owner or operator of pipeline facilities or is not in the public interest and a waiver of compliance with such standard is not inconsistent with pipeline safety, provided that such waiver shall not be effective until the requirements of 49 U.S.C.A. Section 2001, et seq. relative to such a waiver have first been satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2847 (December 2003).

James H. Welsh
Commissioner

0312#048

RULE

**Department of Public Safety and Corrections
Corrections Services**

Death Penalty (LAC 22:I.103)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, has amended the death penalty Rule.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 1. Secretary's Office

§103. Death Penalty

A. - H.2.d. ...

e. Repealed.

I. - I.4. ...

5. The warden will make a written report reciting the manner and date of the execution which he and all of the witnesses will sign. The report shall be filed with the clerk of court in the parish where the sentence was originally imposed. (R.S. 15:571)

6. No employee, including employee witnesses to the execution, except the secretary or the warden or their designee, shall communicate with the press regarding any aspect of the execution except as required by law.

7. No cameras or recording devices, either audio or video, will be permitted in the execution room.

8. The identity of the persons, other than those specified in Subparagraphs H.1.a.-c and H.1.e, Paragraph H.2, and Subparagraph H.2.c., who participate in an execution, either directly or indirectly shall remain strictly confidential and shall not be subject to public disclosure in any manner whatsoever.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:567-571 (as amended by Act No. 717 of the 1990 Regular Session of the Louisiana Legislature, by Act No. 159 of the 1991 Regular Session, Act No. 145 of the 2002 First Extraordinary Session and Act No. 283 of the 2003 Regular Session).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981), amended by the Department of Public Safety and Corrections, Corrections Services, LR 17:202 (February 1991), LR 18:77 (January 1992), LR 24:342 (February 1998), LR 25:2410 (December 1999), LR 28:2553 (December 2002), LR 29:2847 (December 2003).

Richard L. Stalder
Secretary

0312#076

RULE

**Department of Public Safety and Corrections
Corrections Services**

Louisiana Risk Review Panel (LAC 22:I.107)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, has amended the Louisiana Risk Review Panel Rule.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 1. Secretary's Office

§107. Louisiana Risk Review Panel

A. - D.1.c.iii. ...

iv. sentenced to life imprisonment and has served at least 20 years in actual custody;

1.d. - 2.d. ...

3. An application will be ineligible for Risk Review Panel referral in the following circumstances:

a. - d. ...

e. extensive probation and parole revocation history;

D.3.f. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.22 (as enacted by Act Number 403 of the 2001 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 28:94 (January 2002), LR 29:2847 (December 2003).

Richard L. Stalder
Secretary

0312#075

RULE

Department of Public Safety and Corrections Corrections Services

Telephone Use and Policy on Monitoring of Calls? Juvenile and Adult (LAC 22:I.314, 315, and 316)

Editor's Note: LAC 22:I.315, Visitation: Adult Inmates, has been reassigned to Section 316 for topical arrangement.

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, repeals LAC 22:I.314 in its entirety. The Department of Public Safety and Corrections adopted separate Rules for adult and juvenile institutions. The Department of Public Safety and Corrections, Corrections Services, adopted LAC 22:I.314, Telephone Use and Policy on Monitoring of Calls? Juvenile, and LAC 22:I.315, Telephone Use and Policy on Monitoring of Calls? Adult. The existing LAC 22:I.315, Visitation: Adult Inmates, is hereby renumbered as LAC 22:I.316. The renumbering of this Section is not substantive. The move is purely administrative in nature and is necessary only to allow for the placement of the new LAC 22:I.315.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§314. Telephone Use and Policy on Monitoring of Calls? Juvenile

A. Purpose. To establish the secretary's policy regarding the use of telephones by juveniles and the monitoring of telephone calls at all juvenile institutions.

B. Applicability. Deputy secretary, undersecretary, assistant secretary of the Office of Youth Development and wardens of juvenile facilities. It is the responsibility of each warden to implement this regulation and convey its contents to the juvenile population, employees, and the public.

C. Policy. It is the secretary's policy that uniform telephone procedures? including the ability to monitor and/or record juvenile telephone calls to preserve the security and orderly management of the institution and to protect the public safety? be established and adhered to at all institutions. Each institution will offer juveniles (including the hearing impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any juvenile.

D. Procedures

1. General

a. Each juvenile will be assigned a personal identification number (PIN), which is not the juvenile's JIRMS number, which must be used when placing outgoing telephone calls.

b. At each juvenile institution, a unique calling number will be used for calling the PZT Hotline.

c. Each juvenile will provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal, and legal calls. Each juvenile's outgoing telephone calls will be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the Warden, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. Changes to the master list of parents and attorneys representing a juvenile are to be expedited. All attempts should be made to institute such changes within six working days. The six days shall begin to run upon receipt by the appropriate institutional staff of the juvenile's written request that the change be made.

d. For new juveniles, PIN and master list numbers will be entered into the telephone system upon intake at the Juvenile Reception and Diagnostic Center.

e. Upon the request of a telephone subscriber, the institution may block a telephone number and prevent the subscriber from receiving calls from a juvenile housed in the facility. To accomplish a block of a particular number, the institution should contact the contractor to request that a universal block be put into place.

2. Telephone access (outgoing calls) shall be as follows.

a. Personal or Family Calls (Routine). Regardless of custody status, juveniles will be provided an opportunity to make telephone calls to their home at the state's expense when the juvenile's case worker determines that the call will promote the goals of the juvenile's intervention plan. Collect telephone access should be made available when not in conflict with school, work or other programming. Specific times for telephone usage in the various living areas shall be established by the warden who shall communicate the telephone schedule to the population.

b. Personal or Family Calls (Emergency). Requests for access outside of normally scheduled hours may be made through the dormitory officer, counselor, or shift supervisor. Upon receiving information of a family emergency, the Warden or designee shall notify the juvenile as soon as possible.

c. Legal Calls. Juveniles will be given meaningful access to telephones for privileged communications with their attorneys, including being advised that their attorney has requested contact.

3. Telephone access (incoming calls) shall be as follows.

a. Personal or Family calls (Routine). Messages may be relayed at the warden's discretion.

b. Personal or Family Calls (Emergency). The warden shall establish a procedure for juvenile notification of legitimate personal or family emergencies communicated to the institution.

c. Legal Calls. Juveniles may be given notice that their attorney has requested contact. Complete verification is required prior to processing.

4. Monitoring

a. Inmates shall be put on notice of the following.

i. Telephone calls in housing areas are subject to being monitored and/or recorded and that "use" constitutes "consent."

ii. It is the juveniles' responsibility to advise all other parties that conversations are subject to being monitored and/or recorded.

iii. A properly placed telephone call to an attorney will not be monitored and/or recorded unless reasonable suspicion of illicit activity has resulted in a formal investigation and such action has been authorized by the secretary or designee.

b. The telephone system will normally terminate a call at the end of the authorized period, (normally 15 minutes); however, the warden or designee may authorize calls of a longer duration as circumstances warrant.

c. The system will automatically broadcast recorded messages indicating that the telephone call is originating from a correctional facility.

d. Juveniles shall not be allowed access to employee home telephone numbers and shall not be allowed to call any staff member of the department.

e. Each institution will advise its population of the proper way to place a legal call.

f. Only personnel authorized by the warden may monitor juvenile telephone calls. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public will be communicated to other staff members or other law enforcement agencies. Telephone calls to attorneys may not be routinely monitored (see LAC 22:I.314.D.4.a.iii); staff will immediately disconnect from any telephone call if it appears that is the case. All other information shall be held in strict confidence.

g. Juveniles being processed into the system through the Juvenile Reception and Diagnostic Centers will be required to "consent" in writing that their telephone calls are subject to being monitored and/or recorded. A copy of this "consent" shall be placed in the juvenile's institutional record.

h. Each institution's orientation manual must include the information contained in this regulation as a means to notify the population of its contents and verbal notification must be given in the orientation program. Existing juvenile populations shall be put on notice by a sign posted at each telephone. The sign shall reflect the following information:

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation, except for properly placed legal calls.

5. Remote Call Forwarding

a. Remote Call Forwarding (RCF) is a mechanism by which juveniles may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling

area code or long distance. RFC in essence is an automated 3-way call.

b. RCF is also known as automated call forwarding or PBX call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons. The telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location but merely a number within the telephone switching equipment local to the facility where the juvenile is housed.

c. RCF initiated calls to an unidentified terminated number can and are being easily forwarded again to a cell phone and other unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This in fact negates the security mechanisms achieved by the requirement of approved telephone lists. Safeguards to prevent calls to victims, to blocked or restricted numbers or to prevent other unauthorized call activities are defeated by the use of an RCF number.

d. RCF usage creates an opportunity to conduct criminal or illegal or un-authorized activities since the end call location is not readily being identified, verified or its actual location known. This affords untold opportunity for juveniles to engage in potential scams, to call victims, to facilitate escape attempts and to engage in other conduct representing significant security risks to the facility.

e. The juvenile population should be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity will result in appropriate disciplinary action.

f. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls are discovered, a system wide block of the number should be initiated pursuant to LAC 22:I.314.D.1.e.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2848 (December 2003).

§315. Telephone Use and Policy on Monitoring of Calls? Adult

A. Purpose. To establish the secretary's policy regarding the use of telephones by inmates and the monitoring of inmate telephone calls at all adult institutions.

B. Applicability. Deputy secretary, undersecretary, assistant secretary of the Office of Adult Services and all wardens of adult facilities. It is the responsibility of each warden to implement this regulation and convey its contents to the inmate population and unit employees.

C. Policy. It is the secretary's policy that uniform telephone procedures? including the ability to monitor and/or record inmate telephone calls to preserve the security and orderly management of the institution and to protect the public safety? be established and adhered to at all institutions. Each institution will offer inmates (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any inmate. Further, inmates with hearing and/or speech disabilities and inmates who wish to communicate with parties who have such

disabilities, are also to be afforded access to appropriate equipment which may include a Telecommunications Device for the Deaf or comparable equipment.

D. Procedures

1. General

a. Each inmate will be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls; the PIN will be the inmate's DOC number.

b. Each inmate will provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal, and legal calls. Each inmate's outgoing telephone calls will be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the warden, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff.

c. For new inmates, PIN and master list numbers will be entered into the telephone system upon intake at the Reception and Diagnostic Centers.

d. Upon the request of a telephone subscriber, the institution may block a telephone number and prevent the subscriber from receiving calls from an inmate housed in the facility. To accomplish a block of a particular number for all state facilities, the institution should contact the contractor to request that a universal block be put into place.

2. Dormitory Housing (Minimum or Medium Custody)

a. Personal or Family Calls (Routine). Collect telephone access should be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the warden of each institution. The warden shall communicate the telephone schedule to the inmate population. A time limit should be established.

b. Personal or Family Calls (Emergency). Requests for access outside of normally scheduled hours may be made through the dormitory officer, shift supervisor, or other appropriate staff.

c. Legal Calls. The warden shall establish a schedule for legal calls. Inmates are generally able to place legal calls during the lunch period or after the afternoon count (when "normal office hours" are in effect for attorneys). The warden should establish an alternate procedure if this is not adequate.

3. Cellblock Housing (Maximum Custody)

a. Personal or Family Calls (Routine). Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the inmate may be allowed access during the shower or exercise period.) Lobby placement may restrict inmate access. Therefore, posted policy may limit routine personal calls for inmates assigned to cellblocks. Access may vary by inmate classification status. A time limit should be established.

b. Personal or Family Calls (Emergency). In all subclasses of maximum custody, the inmate is required to request consideration for this type call from the warden's designee (shift supervisor, unit major, or program staff) who decides if the justification the inmate presents warrants the request. That decision is then logged. No frequency for this

type call is established as the severity and duration of the emergency may vary.

NOTE: Please refer to the "Emergency Review" provisions of the Administrative Remedy Procedure. Timely review can be solicited by the inmate.

c. Legal Calls. The warden shall establish a procedure for placing legal calls on a reasonable basis during "normal office hours." Each housing unit shall maintain a legal telephone log for the purpose of monitoring the number of legal calls made by inmates on a weekly basis.

4. Incoming Calls

a. Personal or Family Calls (Routine). Messages are not accepted or relayed on a routine basis for any inmate.

b. Personal or Family Calls (Emergency). The warden should establish a procedure for inmate notification of legitimate personal or family emergencies communicated to the institution.

c. Legal Calls. Inmates may be given notice that their attorney has requested contact. Complete verification is required prior to processing. If minimum or medium custody, the inmate may call from the dormitory during lunch or after work. If maximum custody, the inmate may be allowed to call during "normal office hours" at a time which does not interfere with orderly operation of the unit.

5. Monitoring

a. Inmates shall be put on notice of the following.

i. Telephone calls in housing areas are subject to being monitored and/or recorded and that "use" constitutes "consent."

ii. It is the inmate's responsibility to advise all other parties that conversations are subject to being monitored and/or recorded.

iii. A properly placed telephone call to an attorney will not be monitored and/or recorded unless reasonable suspicion of illicit activity has resulted in a formal investigation and such action has been authorized by the secretary or designee.

b. The telephone system will normally terminate a call at the end of the authorized period, (normally 15 minutes); however, the warden or designee may authorize calls of a longer duration as circumstances warrant.

c. The system will automatically broadcast recorded messages indicating that the telephone call is originating from a correctional facility.

d. Inmates shall not be allowed access to employee home telephone numbers and shall not be allowed to call any staff member of the department.

e. Each institution will advise its inmate population of the proper way to place a legal call.

f. Only personnel authorized by the warden or designee may monitor inmate telephone calls. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public will be communicated to other staff members or other law enforcement agencies. Telephone calls to attorneys may not be routinely monitored (see LAC 22:I.315.D.5.a.iii); staff will immediately disconnect from any inmate telephone call if it appears that is the case. All other information shall be held in strict confidence.

g. Inmates being processed into the system through the Reception and Diagnostic Centers will be required to

"consent" in writing that their telephone calls are subject to being monitored and/or recorded. A copy of this "consent" shall be placed in the inmate's institutional record.

h. Each institution's orientation manual must include the information contained in this regulation as a means to notify the inmate population of its contents and verbal notification must be given in their orientation program. Existing inmate populations shall be put on notice by a sign posted at each inmate telephone. The sign shall reflect the following information.

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation, except for properly placed legal calls.

6. Remote Call Forwarding

a. Remote Call Forwarding (RCF) is a mechanism by which inmates may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF in essence is an automated 3-way call.

b. RCF is also known as automated call forwarding or PBX call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons. The telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location but merely a number within the telephone switching equipment local to the facility where the inmate is housed.

c. RCF initiated calls to an unidentified terminated number can and are being easily forwarded again to a cell phone and other unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This in fact negates the security mechanisms achieved by the requirement of approved telephone lists. Safeguards to prevent calls to victims, to blocked or restricted numbers or to prevent other unauthorized call activities are defeated by the use of an RCF number.

d. RCF usage creates an opportunity to conduct criminal or illegal or un-authorized activities since the end call location is not readily being identified, verified or its actual location known. This affords untold opportunity for inmates to engage in potential scams, to call victims, to facilitate escape attempts and to engage in other conduct representing significant security risks to the facility.

e. The inmate population should be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity will result in appropriate disciplinary action.

f. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls are discovered, a system wide block of the number should be initiated pursuant to LAC 22:I.315.D.1.d.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2849 (December 2003).

§316. Visitation: Adult Inmates

A. Purpose. The purpose of this regulation is to establish the secretary's policy regarding inmate visiting at all adult institutions of the Department of Public Safety and Corrections.

B. Responsibility. It is the responsibility of the assistant secretary for adult services and all wardens of adult institutions to implement this regulation and convey its contents to all inmates, affected employees, and persons applying to visit, or persons approved to visit.

C. General

1. Inmates are to be permitted visitation under reasonable conditions with approved friends, relatives and other persons. Uniform visiting procedures are to be established and adhered to at all institutions under conditions and in a manner which is in keeping with the most recent court decisions on inmate visiting.

2. An inmate may refuse to see a visitor, but the inmate should sign a statement to that effect or a note placed in his file that he refuses to do so. A person may be removed from the approved visiting list at his own request or at the request of the inmate.

3. The guidelines set forth herein as to the treatment of visitors are to be strictly followed. The restrictions on visiting set forth herein are the most severe which may apply to any institution. However, the warden may limit the number of visitors which may be approved to visit each inmate, the number of visits, and the duration of the visit in accordance with the provisions of this regulation. Each warden is to promulgate the Rules governing visiting at the institution(s) under his control, and such Rules shall be in accordance with this regulation.

D. Procedure

1. Each inmate must apply to the warden or his designee to have a particular person placed on the inmate's approved visiting list. The inmate must supply a correct name, address, birth date and identify the relationship of the person to that inmate. A list shall be kept of those persons approved to visit, and a record may be kept of persons who do visit an inmate.

2. The inmate may not be prohibited, nor limited by number from receiving visits from the following persons except as provided in §316.D.3 and 4:

- a. identifiable parent(s), or if not raised by parents, the person(s) who raised the inmate;
- b. identifiable grandparent(s), if parent(s) not living;
- c. identifiable spouse;
- d. identifiable children;
- e. identifiable sibling(s), if none of the above are on the visiting list;
- f. identifiable religious or spiritual counselor; and
- g. identifiable attorney(s), their employee(s) authorized by the attorney to act on his behalf, and law students engaged in approved clinical programs.

3. Restrictions on visiting may only be imposed in accordance with the following.

a. Any person may be refused approval to visit an inmate until their identity or relationship to the inmate can be established.

b. Any person may be refused approval to visit an inmate on the day that the visitor refuses to submit to a search.

c. 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 during a visit.

d. Any person may be permanently 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, etc.

e. Any person who is an ex-felon and who has not been finally discharged from an institution or from probation or parole supervision for more than two years without an intervening criminal record or who has pending criminal charges, may be refused approval to visit the inmate, unless the person is an identifiable parent(s), spouse, sibling(s), grandparent(s), or child of the inmate in which case the two year restriction does not apply.

f. Any person who is incarcerated or on probation or parole at the time of the requested visit may be prohibited from visiting with an inmate.

g. Any person, except an identifiable religious counselor or attorney, may be refused approval to visit with an inmate if the inmate has had his visiting privileges restricted as a penalty for a rule infraction involving visiting, or if the inmate is in isolation.

h. No person may be refused approval to visit an inmate solely upon the basis that the person did not know the inmate prior to his incarceration, unless the person applying to visit is also incarcerated.

i. Any person, except those enumerated in §316.D.2 may be refused approval to visit because the inmate has the number of persons permitted by the institution already on his visiting list, or in the case of visits from nonrelated members of the opposite sex, the inmate is married or lists as a spouse, or has as an approved visitor, a girlfriend or boyfriend who is a person other than the applicant.

j. Any person may be denied permission to visit during the time of a disturbance at the institution, if the secretary has declared that all visiting is suspended during the emergency.

k. All minors (under age of 17) must be accompanied by an adult who is either an identifiable family member of the minor, or his legal guardian; or is on the inmate's approved visiting list. Exceptions:

i. minor spouse;

ii. emancipated minors (judgment of emancipation required as proof);

iii. minors visiting as part of approved institutional programs, such as but not limited to, church groups, parenting groups, etc.

4. Number, Duration and Conditions of Visits

a. Each inmate should be afforded at least two visits per month, preferably on weekends. Each visiting period should be of two hours' duration.

b. The warden of each institution shall promulgate rules governing the number of visitors that may visit an inmate individually at one session, as well as the number of

persons which may visit one inmate in a group, and shall submit same to the secretary for his approval. Family visiting, and orderly contact visits are to be permitted to the extent possible.

c. Attorneys, their employees, and law students in approved clinical programs may visit their clients at any time during normal working hours (8 a.m. to 5 p.m., Monday through Friday). Special visits may be arranged in accordance with §316.F. Except in emergency cases, visits by attorneys, their employees and law students in approved clinical programs must be scheduled 24 hours in advance.

d. The areas where visiting occurs shall be clean and well lighted. All visitors are to be informed orally or in writing of the rules and regulations governing visiting.

e. Privacy shall be afforded to the degree security permits when an inmate visits with legal advisors, but in no case will conversations during such visits be monitored.

f. Any visit may be terminated while in progress if the inmate or visitor violates the rules governing visiting.

E. Treatment of Visitors

1. There shall be no discrimination in visiting. All visitors and inmates will be provided equal opportunities in visiting, in accordance with the inmates' security class and housing assignment.

2. Visitors shall be treated with courtesy at all times and should not be subjected to unnecessary delay, inconvenience or embarrassment in accomplishing a visit.

3. Any search of a visitor's person shall be done by someone of the same sex, without force, and in a manner that will not cause embarrassment to the visitor.

F. Special Visits

1. The warden of each institution may approve on a case by case basis, or generally in unusual circumstances, special visits in the following cases:

a. approved visitors who are unable to visit on regular visiting days; or

b. longer visits, more visitors or more visiting periods than institutional regulations allow.

2. If the person applying to visit is otherwise restricted from visiting, the warden may approve a special visit, except when the person applying to visit the inmate is also incarcerated, prior approval from the assistant secretary of adult services is required.

G Cancellation. This regulation supersedes Department Regulation Number 30-19A, dated June 20, 1985. This regulation will not operate to remove any person who is currently on an inmate's approved visiting list.

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).

Richard L. Stalder
Secretary

0312#077

RULE

Department of Revenue Office of Charitable Gaming

Progressive Pull-Tabs (LAC 42:I.1775)

The Department of Revenue, Office of Charitable Gaming, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), has adopted this Rule to implement the provisions of R.S. 4:725.1 to provide guidance regarding progressive pull-tabs for organizations licensed to hold, operate, or conduct charitable games of chance.

Act 736 of the 2003 Regular Session of the Louisiana Legislature enacted R.S. 4:725.1 to authorize progressive pull-tabs during sessions licensed by the Office of Charitable Gaming. The Act established the jackpot limit and the contribution per deal of pull-tabs for the progressive jackpot. This Rule establishes guidelines related to progressive pull-tabs and requires that certain documentation and information be maintained and submitted to the office.

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

Subpart 1. Bingo

Chapter 17. Charitable Bingo, Keno and Raffle

Subchapter E. Pull Tabs

§1775. Progressive Pull-Tabs

A. Each progressive pull-tab jackpot must be established only through the play of deals bearing a licensed manufacturer's form number. Each jackpot must use the identical form number for each deal contributing to the prize jackpot. Pull-tab deals must meet all requirements as set forth in R.S. 4:725 and 725.1 and in LAC 42:I.1715, 1719, 1771, and 1773.

B. Accountability. Organizations participating in a progressive pull-tab jackpot must maintain all required forms as prescribed by the office.

1. For each progressive pull-tab jackpot, the organization must maintain, at a minimum, the following records for a period of three years from the date that the progressive game prize was awarded or the game was considered closed:

- a. date the progressive jackpot started;
- b. method or rules of determining a potential jackpot winner;
- c. method or rules of determining how a player wins the jackpot;
- d. dollar amount of contribution into the jackpot per deal;
- e. dollar amount of the jackpot cap;
- f. accumulated jackpot totals including any backup jackpots;
- g. serial number and date sold of the pull tab deals contributing to the jackpot; and
- h. name and identification of the winner with the date and amount won.

2. The organization must maintain a separate non-interest bearing charitable gaming progressive pull-tab checking account. All checks on this account must have preprinted consecutive numbers and have the words

"Progressive Pull-Tab Account" and the licensee's state charitable gaming license number printed on the face of the checks. All progressive jackpot winners, regardless of the amount, must be paid by check written from this separate progressive pull-tab account. Checks made payable to cash are prohibited.

3. The amount of contribution into the jackpot per deal must be deposited into this progressive pull-tab account no later than the second banking day following the sale of a complete deal.

4. In addition to the jackpot contribution in Paragraph 3 above, the organization must maintain a minimum balance in their progressive pull-tab account that is equal to \$500 or the organization's average weekly jackpot contribution(s), whichever is greater.

C. Multiple Locations. If an organization offers progressive pull-tabs at multiple locations, the organization must offer separate progressive pull-tabs at each location.

D. Payout Percentage. Progressive pull-tab deals must meet the payout percentage as described in LAC 42:I.1773. The percentage payout per a progressive pull-tab deal must include any contribution into the progressive jackpot from a particular deal.

E. Posting of Progressive Jackpot. Organizations must conspicuously post all progressive jackpot totals, including any backup amounts, in order for the players to determine the amount of jackpots offered at any one time. Organizations must also conspicuously post house rules in complete view of the players describing the means by which specific progressive jackpots will be awarded. Postings must be visible during the entire session offering the progressive pull-tabs.

F. Jackpot Cap Amount. Prior to a jackpot win, the organization may raise, but not lower, a pull-tab progressive jackpot cap.

G. Continuous Play. Once an organization offers a progressive pull-tab for play, the organization must continue to offer that particular progressive pull-tab at every subsequent session at that location until the jackpot and any backup jackpots are won.

H. Cease Play. If an organization ceases playing charitable gaming or wishes to stop playing a progressive jackpot pull-tab game, the organization must, with prior approval from the office, transfer the current jackpot(s) to another progressive game or determine a method to award all progressive jackpots to the players. With prior approval from the office, an organization may alter the suggested rules of the manufacturer to determine a winner.

I. Prohibitions. The following persons are strictly prohibited from playing, directly or indirectly, any progressive pull-tab games:

1. all members or volunteers holding, operating, or conducting or assisting in the holding, operating, or conducting any part of a particular charitable gaming session that offers a progressive pull-tab game;
2. licensed distributors or manufacturer owners, their shareholders, or directors at any site;
3. any employees of licensed distributors or manufacturers while on official duty during any part of a particular charitable gaming session that offers a progressive pull-tab game.

J. Submission to the Office. The manufacturer must submit, within fifteen calendar days of the progressive pull-tabs being shipped into the state, information on all progressive pull-tabs being offered. The submission of each type of progressive pull-tab must include the following:

1. form number;
2. total number of pull-tabs per deal;
3. total amount of prizes per deal including jackpot contribution; and
4. full set of rules or alternative rules for the progressive pull-tab including the method to determine winners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:725.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 29:2853 (December 2003).

Cynthia Bridges
Secretary

0312#055

RULE

Department of Revenue Policy Services Division

Electronic Funds Transfer (LAC 61:I.4910)

Under the authority of R.S. 47:1511 and 47:1519 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4910 to implement changes to the electronic funds transfer requirement threshold enacted by Acts 2003, No. 112.

Act 112 amended RS. 47:1519 to reduce the electronic funds transfer payment requirement threshold for tax payments incrementally from \$20,000 to \$15,000 beginning January 1, 2004; from \$15,000 to \$10,000 beginning January 1, 2006; and from \$10,000 to \$5,000 beginning January 1, 2008, and provide that electronic fund transfers delivered after the payment's due date will be considered timely if the transfer was initiated on the due date.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 49. Tax Collection

§4910. Electronic Funds Transfer

A. Electronic Funds Transfer Requirements

1. For taxable periods beginning on or after January 1, 2004, taxpayers are required to remit their tax payments by electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than \$15,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than \$15,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than \$15,000 per month for all tax returns filed.

2. For taxable periods beginning on or after January 1, 2006, taxpayers are required to remit their tax payments by electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than \$10,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than \$10,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than \$10,000 per month for all tax returns filed.

3. For taxable periods beginning on or after January 1, 2008, taxpayers are required to remit their tax payments by electronic funds transfer under any of the following circumstances:

a. the payments made in connection with the filing of any business tax return or report averaged, during the prior 12-month period, more than \$5,000 per reporting period; or

b. any business tax return or report is filed more frequently than monthly and the average total payments during the prior 12-month period were more than \$5,000 per month; or

c. any company who files withholding tax returns and payments on behalf of other taxpayers and payments during the previous 12-month period averaged more than \$5,000 per month for all tax returns filed.

4. Any taxpayer may voluntarily remit amounts due by electronic funds transfer with the approval of the secretary. After requesting to electronically transfer tax payments, the taxpayer must continue to do so for a period of at least 12 months.

B. ...

C. Taxes Required to be Electronically Transferred. Tax payments required to be electronically transferred may include corporation income and franchise taxes including declaration payments; income tax withholding; sales and use taxes; severance taxes; excise taxes; and any other tax or fee administered or collected by the Department of Revenue except for individual income tax. A separate transfer shall be made for each return.

D. - D.3. ...

E. Failure to Timely Transfer Electronically

1. Remittances transmitted electronically are considered timely paid if the payment transaction's confirmation time and date stamp is on or before the due

date. However, if the payment is not timely paid, the date of receipt by the secretary will govern for purposes of determining the amount of any late payment penalties.

2. Failure to make payment or remittance in immediately available funds in a timely manner, or failure to provide such evidence of payment or remittance in a timely manner, shall subject the affected taxpayer or obligee to penalty, interest, and loss of applicable discount, as provided by state law for delinquent or deficient tax, fee or obligation payments. If payment is timely made in other than immediately available funds, penalty, interest, and loss of applicable discount shall be added to the amount due from the due date of the tax, fee or obligation payment to the date that funds from the tax, fee, or obligation payment subsequently becomes available to the state.

3. When the statutory filing deadline, without regard to extensions, falls on a Saturday, Sunday, or Federal Reserve holiday, the payments must be electronically transferred by the next business day.

4. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519 and this Rule, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

5. Tax return must be filed.

a. A tax return or report must be filed separately from the electronic transmission of the remittance.

b. Exception. Payments remitted by electronic funds transfer for income tax withholding will be accepted in lieu of a withholding tax return, Form L-1, and a separate return is not required to be filed.

c. Failure to timely file a tax return or report shall subject the affected taxpayer or obligee to penalty, interest, and loss of applicable discount, as provided by state law.

6. In situations involving extenuating circumstances as set forth in writing by the taxpayer and deemed reasonable by the secretary of the Department of Revenue, the secretary may grant an exception to the requirement to transmit funds electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 19:1032 (August 1993), repromulgated LR 19:1340 (October 1993), amended LR 20:672 (June 1994), LR 23:448 (April 1997), amended by the Department of Revenue, Office of the Secretary, LR 25:2442 (December 1999), LR 28:866 (April 2002), amended by the Department of Revenue, Policy Services Division, LR 29:2854 (December 2003).

Cynthia Bridges
Secretary

0312#027

RULE

Department of Transportation and Development Office of Highways/Engineering

Outdoor Advertising (LAC 70:III.137, 143, 144, and 149)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development amends Subchapter C of Chapter 1 of Part III of Title 70, entitled "Regulations for Control of Outdoor Advertising," in accordance with R.S. 48:461 et seq.

Title 70

TRANSPORTATION

Part III. Outdoor Advertising

Chapter 1. Outdoor Advertising

Subchapter C. Regulations for Control of Outdoor Advertising

§137. Nonconforming Signs

A. In addition to all other laws, regulations and rules, the following conditions and requirements apply to a continued maintenance of such nonconforming sign.

1. The sign must remain substantially the same as it existed on the effective date of the state law, regulation, rule or local ordinance which caused said sign to be nonconforming.

2. - 6. ...

7. Destruction

a. Nonconforming signs which are damaged beyond one-third of the replacement-cost-new of the subject sign lose their nonconforming status, as hereinabove provided, unless they be destroyed by intentional, criminal conduct. Any signs so damaged by intentional, criminal conduct may be re-erected within 180 days of its destruction to retain nonconforming status; however, such re-erection must occur at the identical location and the size, lighting and spacing must be identical to the prior circumstances.

b. When any nonconforming sign which deteriorates or suffers a nonintentional, noncriminal destruction to the point where the cost of repairing or maintaining the subject sign will exceed one-third of the replacement-cost-new of the sign, the nonconforming status will change to illegal and the sign may not be reinstalled.

8. Abandonment

a. If an existing, nonconforming sign ceases to display a bona fide advertising message for a period of 12 months or more, then, the sign shall be considered abandoned and its nonconforming use rights are thereby terminated.

b. The said 12-month period may be interrupted for the period of time during which the controlled highway relative to such sign is closed for repairs adjacent to said sign.

c. Nonconforming sign shall be deemed to be abandoned whenever:

i. the structure is without an advertising message for a period of 12 months or more;

ii. the sign structure or face thereof has not been maintained or repaired for 12 months or more; and

iii. the owner or possessor of the sign or structure has no valid lease or other lawful occupancy right from one entitled to grant same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:188 (June 1976), amended LR 29:2855 (December 2003).

§143. Procedure and Policy for Issuing Permits for Controlled Outdoor Advertising

A. ...

B. Applicants for a permit shall execute an application form furnished by the Louisiana Department of Transportation and Development and shall forward such application form properly and completely executed as to all information requested to the district office of the Louisiana Department of Transportation and Development situated within the highway district where said sign is to be located.

C. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permitted installation.

D. An original signature or a copy of a current lease agreement shall be submitted with each application.

E. Repealed.

F. ...

G. Permit applications which are properly completed and executed and which are accompanied by all other required documentation or evidence shall be thereafter submitted by the district office to the appropriate permit office in Baton Rouge, Louisiana for review. Permits which are not in proper form or which are not complete or not accompanied by required documentation and evidence or do not meet the requirements of state law at the time of the submittal of the application shall be returned to the applicant by the district office with reasons for its return. Applications may be resubmitted at any time.

H. - I. ...

J. Each permit shall specify a time delay of 6 months or 12 months (at the permittee's option) within which to erect the subject advertising device. The district office shall determine whether or not the device has been erected within the specified time delay.

K. ...

L. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign which did not conform to the previous permit. A new permit may be obtained upon appropriate application including

payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

M. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended LR 29:2856 (December 2003).

§144. Illegal Outdoor Advertising Signs

A. An outdoor advertising sign is deemed to be illegal if:

1. the owner has received a certified letter from the department under the provisions of R.S. 48:461 and has failed to respond within the time allotted;

2. the owner replied to the certified letter provided for in R.S. 48:461; received a permit review as provided for hereafter; received a ruling of illegality and failed to appeal said ruling to a court of competent jurisdiction within the time allotted; or

3. the owner replied to the certified letter provided for in R.S. 48:461; received a permit review as provided for hereafter; received a ruling of illegality; appealed said ruling to a court of competent jurisdiction as provided for hereafter; and a final ruling of illegality was rendered by the court.

B. - B.1. ...

2. If the owner requests and receives a permit hearing as provided for in §144.D, and the hearing results in a finding that the owner's device is illegal, and he fails to appeal said finding to a court of competent jurisdiction, the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur following the 30-day written notice of the ruling of the permit hearing.

3. If the owner receives and appeals the ruling of the permit hearing to a court of competent jurisdiction and receives a final ruling of illegality rendered by a court of competent jurisdiction, then the owner shall be assessed a penalty of \$100 per day for each day that the violation occurred and continues to occur. Said penalty shall be retroactive to the date 30 days after written notice of the ruling of the permit hearing.

C. ...

D. There is hereby created within the Department of Transportation and Development a permit review process which is available to permit applicants who have received notification that the department intends to remove their outdoor advertising signs or deny future permits.

1. Composition of the Permit Review Committee. The permit review committee shall be composed of representatives of the following divisions within the Department of Transportation and Development:

a. - d. ...

2. Authority of the Permit Review Committee. The committee, pursuant to a majority vote, may arbitrate and

resolve disputes which arise during the permit process and grant or deny relief to petitioning permittees.

3. The permittee shall bring his complaint before the permit review committee no later than 30 days after notification to remove the illegal sign, or no later than 30 days after receipt of a permit denial, whichever is applicable, in order to receive a permit review.

4. Duties of the Permit Review Committee. The permit review committee must meet in a timely fashion to review all protests filed by permittees. The permit review committee must give each protester due notice of meeting time and place. The permit review committee must notify the permittee of its action with 14 working days of its meeting.

5. Rights of the Protesting Permittee. The permittee shall submit, in writing, his protest and all pertinent exhibits. Such submittal must be received five days before the review committee meeting. The committee, in its discretion, may waive these requirements in particular circumstances in order to provide a fair hearing. The permittee may appear before the permit review committee to offer a brief explanation of his grievance.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 24:960 (May 1998), amended LR 29:2856 (December 2003).

Subchapter D. Outdoor Advertising Fee Schedule

§149. Permit Fee

A. The following permit fee schedule is applicable to outdoor advertising signs.

Sign Size	Permit Fee Due upon Issuance and Each Six Months Thereafter until Erected	Renewal Fee Due Each Year Following Sign Erection
1-100 Square Feet	\$37.50 per sign face	\$7.50 per sign face
101-300 Square Feet	\$62.50 per sign face	\$12.50 per sign face
301 Square Feet and Over	\$125.00 per sign face	\$25.00 per sign face

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:602 (September 1986), amended LR 29:2857 (December 2003).

Kam K. Movassaghi, Ph.D., P.E.
Secretary

0312#079

RULE

**Department of Transportation and Development
Office of Real Estate**

Appraisal Handbook for Fee Appraisers
(LAC 70:XVII.Chapter 5)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends Chapter 5 of Part XVII of Title 70 entitled "Appraisal Handbook for Fee Appraisers," in accordance with R.S. 48:440 et seq.

Title 70

TRANSPORTATION

Part XVII. Real Estate

Chapter 5. Appraisal Handbook for Fee Appraisers

§501. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:881 (May 1999), repealed LR 29:2857 (December 2003).

§503. Overview of the Purpose of the Appraisal

A. - B. ...

C. Compensation shall be based upon the provisions of Article I, Section 4 of the Louisiana Constitution of 1974 and the provisions of R.S. 48:441 et seq.

D. Repealed.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:882 (May 1999), amended LR 29:2857 (December 2003).

§517. Items Excluded from Appraisals

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:884 (May 1999), amended LR 29:2857 (December 2003).

§523. Highest and Best Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:884 (May 1999), repealed LR 29:2857 (December 2003).

§525. Land Valuation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:2857 (December 2003).

§527. Valuation of the Entire Tract

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:2858 (December 2003).

§529. Valuation of the Remainder

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:23858 (December 2003).

§531. Valuation of the Improvements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:885 (May 1999), repealed LR 29:2858 (December 2003).

§535. Appraisal Confidentiality

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:887 (May 1999), repealed LR 29:2858 (December 2003).

§547. Form A

A. This form is designed for a complete, detailed appraisal of an entire ownership, including all land and improvements, using all applicable approaches. In effect, this is two separate appraisals. The "before the acquisition" and "after the acquisition" appraisals pertain to partial acquisitions only. Each segment, "before and after", is to be completed in detail and separately. All approaches to value are to be utilized in detail when applicable.

B. Repealed.

C. - C.2.k. ...

l. Repealed.

m. - o.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:889 (May 1999), amended LR 29:2858 (December 2003).

§549. Form B

A. - B.21. ...

22. Repealed.

23. - 25.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:889 (May 1999), amended LR 29:2858 (December 2003).

§551. Form C

A. This form is designed to be used only for simple acquisitions. The form does not require detailed discussions

of the items listed, but the determinations made by the appraiser must be conclusive and based upon market support.

B. - C.13. ...

14. Repealed.

15. - 16.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:890 (May 1999), amended LR 29:2858 (December 2003).

§553. Form D

A. - B.3. ...

4. Repealed.

B.5. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:890 (May 1999), amended LR 29:2858 (December 2003).

§559. Special Problems

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:891 (May 1999), repealed LR 29:2858 (December 2003).

§561. Front Land/Rear Premise

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:892 (May 1999), repealed LR 29:2858 (December 2003).

§563. Mineral Rights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:892 (May 1999), repealed LR 29:2858 (December 2003).

§565. Timber Value

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:893 (May 1999), repealed LR 29:2858 (December 2003).

§567. Crop Value

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:440, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:893 (May 1999), repealed LR 29:2858 (December 2003).

Kam K. Movassaghi, Ph.D., P.E.
Secretary

0312#078

RULE

Department of Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Partial Repay of Refund and Secondary Plan Change (LAC 58:I.1709 and 3901)

Under the authority of R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System (LASERS) to amend and reenact LAC 58:I.1709 to remove the sunset provision to comply with Act 196 of 2003 and to enact Chapter 39, LAC 58:I.3901 to provide members of the "public safety services secondary component" as defined at R.S. 11:601.B a retirement benefit from the Louisiana State Employees' Retirement System under R.S. 11:602 that the Attorney General opined is available to these members in Opinion Number 03-0143. The proposed amendments and enactments have no impact on family formation, stability, and autonomy as set forth in R.S. 49:972.

Title 58

RETIREMENT

Part I. State Employees' Retirement

Chapter 17. Purchases of Service by Reinstated Employees

§1709. Partial Repayment of Refund of Contributions

A. If a member elects to repay part of a refund, he must repay the contributions for the most recent service credit first. For example, if a member received a refund for service from January 1, 1991 through December 31, 1993, and elects to repay one year of service, he/she must repay the contributions for 1993 first.

B. Partial payments must be made in increments based on service within a calendar year with the most recent year(s) repaid first. Example: A member worked from June 1, 1990 through April 30, 1993 then received a refund. The refund may be repaid in the following order:

1. January 1, 1993 through April 30, 1993;
2. January 1 through December 31, 1992;
3. January 1 through December 31, 1991; then
4. June 1 through December 31, 1990.

C. If a member has both full time and part time service credit that was refunded, the years of full time service must be repaid first. When there is both full time and part time service within the calendar year(s), LASERS shall have the authority to determine the calendar year of service credit that must be repaid first. As a general rule, the year(s) with the most full time service must be repaid before the year(s) with more part time service.

D. Upon receipt of the partial payment, the service credit for the calendar year repaid will be restored to the member.

E. A member may receive three invoices in a 12-month period at no cost. Each additional invoice within the 12-month period will cost \$75 each.

F. Interest at the actuarial rate will be calculated from the date of the refund was issued to the date of the repayment. Interest will be compounded on an annual basis.

G. The partial repayment must be made in a single payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 25:2467 (December 1999), amended LR 29:2859 (December 2003).

Chapter 39. Public Safety Services Secondary Component

§3901. Additional Retirement Eligibility

A. Regardless of the provisions of R.S. 11:602 members of the Public Safety Services Secondary Component defined at R.S. 11:601.B shall be eligible to retire when a member has 10 years or more of service credit at age 60 or thereafter in accordance with Attorney General Opinion Number 03-0143.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 29:2859 (December 2003)

Robert L. Borden
Executive Director

0312#101

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Livestock Sanitary Board

Mycoplasma Mastitis in Dairy Cattle (LAC 7:XXI.333, 335 and 337)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Livestock Sanitary Board, proposes to enact regulations regarding Mycoplasma mastitis in dairy cattle.

Mastitis, particularly in dairy cattle, is a debilitating, occasionally fatal disease, which causes greatly decreased milk production in dairy cattle and may cause damage to the mammary tissue such that milk production in subsequent lactations is significantly decreased. Production loss caused by mastitis is the largest single economic loss to dairy farmers.

These rules comply with and are enabled by R.S. 3:2093, R.S. 3:2094, and R.S. 3:2095.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 3. Cattle

§333. Routine Testing of Dairy Herds

A. All dairy herds in Louisiana shall be tested for *Mycoplasma bovis*, ("Mycoplasma"), which causes an incurable form of mastitis in dairy cattle, in accordance with the following provisions.

1. The Louisiana Department of Agriculture and Forestry, ("Department"), shall collect milk samples from a bulk tank sample collected by the milk hauler.

2. The Department shall forward the samples to the Mastitis Lab at the Hill Farm Research Station ("HFRS") in Homer, Louisiana for testing.

3. HFRS shall forward the test report for each dairy herd to the Department and to the owner of the dairy herd.

B. If a sample from a dairy herd tests positive for Mycoplasma mastitis the Department shall collect a second sample directly from the bulk tank holding the dairy herd's milk and send the sample to HFRS for testing. HFRS will send the test result directly to the Department, who will then notify the dairy herd's owner of the test results.

C. All dairy herds shall be tested monthly for 12 months. Any dairy herd that tests negative each month for 12 months will then be tested quarterly so long as each test is negative for Mycoplasma mastitis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:

§335. Restrictions on Dairy Herds Testing Positive for Mycoplasma mastitis

A. If the second sample from a dairy herd tests positive for Mycoplasma mastitis then that dairy herd shall be placed on a "Mycoplasma Restricted List."

1. Individual members, male and female, of any dairy herd placed on the Mycoplasma Restricted List shall be tested to identify infected animals.

2. Any animal found to be infected with Mycoplasma shall be either immediately sold for slaughter or branded with a mark acceptable to the Department to show that the animal can only be sold for slaughter. If any such animal is sold at a livestock auction market it shall be kept in quarantine separate from any other cattle.

3. No animal from a dairy herd that is on the Mycoplasma Restricted List shall be sold or moved for any purpose other than slaughter unless accompanied by a health certificate showing that the animal has had a negative test for Mycoplasma within the 30 days prior to the date of sale or movement.

B. Any dairy herd found to be infected with Mycoplasma shall remain on the Mycoplasma Restricted List until all infected animals are removed and bulk tank samples test negative for six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:

§337. Fees

A. The department shall collect from each owner of a dairy herd a fee of no more than \$15 per milk sample to defray the cost of the testing and quarantine programs necessary to prevent, control or eradicate Mycoplasma in dairy cattle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2224.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 30:

Family Impact Statement

The proposed Rules in Part XXI, Chapter 3, *Mycoplasma mastitis* in dairy cattle should not have any known or foreseeable impact on any family as defined by R.S. 49:972 D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

Interested persons should submit written comments on the proposed rules to Dr. Maxwell Lea through the close of business on January 26, 2004 at 5825 Florida Blvd., Baton Rouge, LA 70806. No preamble regarding these rules is necessary.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: *Mycoplasma Mastitis in Dairy Cattle***

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No implementation costs or savings to state or local governmental units are anticipated. The Louisiana Department of Agricultural and Forestry is proposing to establish and collect fees from each owner of a dairy herd of no more than fifteen (\$15.00) dollars per milk sample to defray the cost of the testing and quarantine programs necessary to prevent, control, or eradicate mastitis caused by *Mycoplasma bovis* in dairy cattle. All dairy herds in Louisiana shall be tested monthly for twelve months for mastitis caused by *Mycoplasma bovis*. Any dairy herd that test negative each month for twelve months will then be tested quarterly so long as each test is negative.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is estimated to be a total increase in revenue collections of \$65,700.00 for the first year and \$22,500.00 for the second year and each year thereafter. A fee of no more than fifteen (\$15.00) dollars per milk sample will be collected to defray the cost of the testing and quarantine programs. Any dairy herd that tests negative each month for twelve months will then be tested quarterly so long as each test is negative.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be an increase in costs to the dairy industry of \$65, 700.00 for the first year and \$22,500.00 for the second year and each year thereafter for the testing of *Mycoplasma bovis* in dairy cattle.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have a net effect on competition and employment.

Skip Rhorer
Assistant Commissioner
0312#104

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111? The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.303, 311, 1701, 2701, 2702, 2703, 2713, 2715, 2717, 2719, 2721, 3905, 4001, 4003, and 4005)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111? The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative

Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed changes more clearly explain and refine existing policy as follows:

- ?? Moves directions that apply to several calculations to the beginning of a section.
- ?? Deletes an unclear example of a calculation.
- ?? Sets a timeline for schools in School Improvement to submit School Improvement Plans.
- ?? Expands the details of the Supplemental Educational Services process.
- ?? Specifies how LEAP Alternate Assessment students are included in NRT calculations.
- ?? Creates required definitions for English language proficiency

**Title 28
EDUCATION**

**Part LXXXIII. Bulletin 111? The Louisiana School, District, and State Accountability System
Chapter 3. School Performance Score Component
§303. Calculating the SPS Component**

All intermediate results and the final result shall be rounded to the nearest tenth.

A. ...

B. Formula for Calculating an SPS [K-6] The SPS for a K-6 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10%)] = 67.1			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
			SPS = 67.1

C. Formula for Calculating an SPS [K-8] The SPS for a K8 school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(71.2 * 60%) + (76.1 * 30%) + (87.7 * 5%) + (90.4 * 5%)] = 74.4			
Indicator	Index Value	Weight	Indicator Score
CRT	71.2	60%	42.7
NRT	76.1	30%	22.8
Attendance	87.7	5%	4.4
Dropout	90.4	5%	4.5
			SPS = 74.4

D. Formula for Calculating an SPS for 9-12 and Combination Schools. Combination schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade. The SPS for a 9-12 school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is: SPS = (.60 * CRT Adjusted Achievement Index) + (.30 * NRT Adjusted Achievement Index) + (.05 * Dropout Index)+ (.05 * Attendance Index) The following is an example of how this calculation shall be made: [(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0.			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6

NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
			SPS = 69.0

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1632 (August 2003), amended LR 30:

§311. Calculating the CRT Index [9-12]

A. Calculate the total number of points by multiplying the number of students at each performance level times the points for those respective performance levels, for all content areas tested and summing those products.

B. Divide the sum by the total number of students eligible to be tested times the number of content area tests to get the raw achievement index for the grade.

C. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and for all the previous grades (see formulas below). This operation means that the grade 10 CRT index shall be multiplied by the grade 9 and grade 10 non-dropout rates plus 0.07, and the grade 11 CRT index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates plus 0.07. This operation shall yield the adjusted achievement index.

D.1. The formula for calculating the CRT adjusted achievement index for a high school is:

$$\text{CRT Adjusted Achievement Index (Gr 10)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07)$$

$$\text{CRT Adjusted Achievement Index (Gr 11)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07) * (1 - \text{DO Gr 11} + .07)$$

2. Scores for students repeating the GEE 21 ELA, math, science, and/or social studies tests, shall not be included in SPS calculations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1633 (August 2003), amended LR 30:

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

§1701. School Improvement 1 Requirements

- A. A school shall enter SI 1 if:
 - 1. it is not academically unacceptable; and
 - 2. it has met the requirements of the subgroup component;
 - 3. but;
 - a. it has an SPS below 79.9 and did not meet its growth target; or
 - b. it has an SPS of 80.0-99.9 and did not grow at least 0.1 points; or
 - c. beginning in 2004, it has an SPS of 100.0-119.9 and has an SPS decline of more than 2.5 points.
- B. A school shall remain in SI 1 if:
 - 1. it is not academically unacceptable;
 - 2. it has met the requirements of the subgroup component;
 - 3. it has not made its growth target; and

4. its new growth target is less than eight points.

NOTE: If the school meets the conditions of A, B, and C, but has a growth target > 8 points, it moves to SI 2.

C. School Improvement 1 Requirements

1. A Revised or New School Improvement Plan. All Louisiana schools were required to have a school improvement plan in place by May of 1998. Within 90 days of identification, those schools placed in School Improvement 1 (SI 1) shall be required to review and either revise or completely rewrite their plan, with the assistance of a district assistance team, according to the guidelines established by the Louisiana Department of Education, and submit it to the Division of School Standards, Accountability, and Assistance.

2. Assurance Pages. Each school in school improvement 1 shall be required to provide assurances that it worked with a District Assistance Team (DAT) to develop its school improvement plan and that the plan has the essential components required in the Louisiana School Improvement Plan Template. Signatures of the DAT team members shall also be required.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1640 (August 2003), amended LR 30:

Chapter 27. Supplemental Educational Services

§2701. Definition of Supplemental Educational Services

A. Supplemental educational services are defined by the United States Department of Education as "tutoring or extra help provided to students in reading, language arts/English, and math. This extra help can be provided before or after school, on weekends, or in the summer." The No Child Left Behind Act states that these services must be of high quality, research-based, and specifically designed to increase the academic achievement of eligible children.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1644 (August 2003), LR 30:

§2702. Supplemental Educational Service Models

A. Louisiana's recommended model for the provision of effective supplemental educational services has three components:

- 1. Diagnostic Assessment, or an appropriate process, to identify student weaknesses and achievement gaps that will be used to design instruction as well as to measure gains in student achievement for the purposes of provider accountability;
- 2. Targeted Remediation/instruction aimed at addressing the individual skill gaps revealed during the assessment and based upon an individual learning plan; and
- 3. Post Assessment to see if student gains occurred and a plan for either re-teaching skills or identifying new skill sets for instruction.

B. Student instruction will be in the areas of reading, English/Language arts, and/or mathematics in order to help students achieve academic proficiency and should be based on Louisiana's academic content standards and the local district's instructional plan.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1644 (August 2003), LR 30:

§2703. Supplemental Educational Service Providers

A. Providers that meet the criteria specified by the Louisiana State Department of Education shall be included on the state-approved supplemental educational services provider list. The State Department of Education will post the list, beginning January 1, 2003. The provider list will be updated on a periodic basis, at least annually, as new providers are identified and meet the qualifications.

B. To be included on the approved list of supplemental educational service providers, applicants shall have met the following criteria:

1. be able to define a process for assessment that results in an individual instructional plan tied to content standards;
2. have a demonstrated level of effectiveness in increasing student academic achievement;
3. be capable of providing supplemental educational services that are of high-quality, research-based, and consistent with the instructional program of the local educational agency and the state's academic content standards;
4. provide instruction that is secular, neutral, and non-ideological;
5. be financially sound, use qualified staff, and possess the organizational capacity necessary to deliver the contracted services; and
6. meet all applicable federal, state, and local health, safety, and civil rights laws;
7. have a program accessible to students attending Title I schools in school improvement.

C. Two levels of service providers have been approved in Louisiana.

1. Full Approval is for those supplemental education service providers who have demonstrated a high level of effectiveness and the ability to provide services immediately.

2. New and Emerging Program Approval is for those supplemental education service providers who met the minimum requirements in each component of the application but lack evidence of successful practice and outcomes. Providers who are approved as a new and emerging program:

- a. can only request to serve a total of up to 200 children during the first year;
- b. would be categorized as a new and emerging provider in district correspondence to parents; and
- c. would be required to participate in specially designed technical assistance modules throughout the year.

D. Both categories of supplemental education service providers must have demonstrated that they have met the minimum requirements in each component of the application as judged by a Reviewers' Panel.

E. All Louisiana applicants will have provisional approval for one year, must be able to demonstrate the capacity for meeting the minimum requirements, and can be removed for cause.

F. Examples of reasons why a provider could be removed from the list within the first year are:

1. the delivery of an SES model that was not as related in the approved application, or

2. the absence of criminal background checks of all employees coming into contact with students, which is a State law.

G. Providers may be nonprofit entities, for-profit entities, and local education agencies, including public and private schools, after-school centers, cooperative educational service agencies, institutions of higher education, and faith-based organizations.

H. Entities that cannot serve as providers include public schools identified for school improvement, restructuring or corrective action; and Local Education Agencies identified for school improvement (although schools within such an LEA that are making adequate yearly progress can be providers).

I. All SES provider applicants must have a "service delivery system" in place at the time of application. In other words, applicants must have a physical location or service infrastructure through which SES services are provided to eligible students.

J. In an effort to make services the most accessible to eligible Title I students, local education agencies are strongly encouraged by the Board of Elementary and Secondary Education to allow SES providers the use of school facilities at no cost to the provider.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1644 (August 2003), amended LR 30:

§2713. SES Provider Responsibilities

A. Entities that agree to become supplemental services providers must:

1. set specific achievement goals for the student, which must be developed in consultation with the student's parents;
2. provide a description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress;
3. establish a timetable for improving the student's achievement;
4. agree to terminate services if student progress goals are not met;
5. agree not to disclose to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the student's parents; and
6. agree that services will be provided consistent with applicable civil rights laws.

B. Providers must also submit to the State Department of Education and the schools of all students served, a final written report that summarizes the progress of all students provided with supplemental services.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§2715. State Department of Education Approval and Monitoring of SES Providers

A. Providers who wish to participate on the Louisiana Department of Education's state-approved SES Provider List must:

1. review and complete the Request for Application process;

2. review this Policies and Procedures document, which provides information about the state process;

3. review the Monitoring Section, which contains the criteria that the department will use to evaluate providers. It also contains information regarding complaint management and the evaluation of providers reported to be under performing or deficient in any way.

B. At least annually, a Reviewer's Panel will review applications received, score the applications and – for applications passing the scoring requirements – make recommendations of SES providers to the State Board of Elementary and Secondary Education.

C. The department reserves the right to approve all or specific subject areas and grades submitted by the provider.

D. The department will notify all applicants as to whether or not they have been approved to participate on the statewide SES Provider List.

E. All required documentation must be completed in order for provider to be added to the list.

F. Upon completion, the department will list the provider in its database of approved providers.

G. If selected for service by parents of eligible students, approved providers may be contacted by schools/districts to provide the approved services at the pricing terms approved at the State level, to the degree that they are within the per-pupil funding cap.

H. Providers wishing to alter the pricing terms to exceed the per-pupil funding cap must request approval from the appropriate State Department of Education staff person with the appropriate justification. The State Department of Education staff will render a decision regarding each request within 15 days.

I. Before providing services through this program, the provider must sign agreements with each student's LEA. Copies of this agreement must be available for inspection when providers are monitored by the department staff.

J. At the conclusion of the evaluation year as determined by the Department of Education, the provider is expected to submit to the Department and all schools of students served, a final written report that summarizes the progress of all students provided with supplemental services. The department will communicate the reporting format to each provider at least annually. This information will be used to help determine if a provider will remain on the state-approved list.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§2717. Appealing State Department of Education SES Decisions

A. If a provider disagrees and wishes to appeal a decision, a letter documenting the provider's concerns must be sent to the Department.

B. The appeal letter will be reviewed and a final determination will be issued within 15 days.

C. There will be two types of appeals that can be made:

1. Clarifications. If clarification of an application item is needed, department staff will provide a written response regarding the item to the Applicant.

2. Scoring Disputes. In cases where scoring is in dispute, the disputed section will be reviewed and a final determination will be issued by the Superintendent regarding the results of the section in question.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§2719. Remaining an SES Provider

A. The State Department of Education (SDE) is required to monitor the quality and effectiveness of the services offered by approved providers.

B. The SDE is required to withdraw approval from providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of students to whom they provide services, and to remove providers that fail at any time to meet any of the other eligibility requirements or assurances.

C. A violation of any of the provider responsibilities may constitute grounds for immediate removal from the state-approved list.

D. During the first year of approval, a provider will be considered to have "probationary" status and may be removed for cause.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§2721. Review of Provider Performance

A. The State Department of Education shall conduct site visits of approved providers at scheduled intervals to determine if providers are in compliance with providing services that increase student achievement, are provided professionally, and in a safe and legally compliant atmosphere.

B. Parent/Guardian and student feedback will be solicited and reviewed to assess whether providers are accomplishing the goals and fulfilling the responsibilities in the manner described in the providers' applications and agreement forms signed with the LEAs and parents. The department will seek to confirm that providers are:

1. communicating with parents/guardians regarding their children's progress;
2. utilizing qualified staff;
3. holding scheduled classes/appointments;
4. following applicable safety, health, and civil rights standards;
5. demonstrating improvement in the students' achievement.

C. The Department will work with local schools/districts to confirm that providers are:

1. fulfilling requests for services to eligible students unless the provider's capacity is reached;
2. providing students with the agreed upon services;
3. completing all aspects noted in the agreement signed between the provider and the LEA;
4. communicating information to schools pertaining to their students' progress in the program;
5. demonstrating improvement in the students' achievement.

D. The department will work with providers to confirm that they are:

1. Providing students with the agreed upon services.
2. Completing all aspects noted in the agreement signed by the provider and the LEA.
3. Adhering to all agreements and responsibilities noted in all documents submitted as part of the RFA process.

E. Parent, student, and school feedback may necessitate the department to request written clarification from the provider. Should such a request of clarification be made, the provider is required to submit the requested information within 10 business days of the date the department made the request.

F. The LDOE *After School and Summer Information and Service Tracking (ASSIST)* System is designed to automate the tracking and reporting of after school and summer programs. The web-based system tracks students, site activities, site staff, student outcomes, student attendance and total contact hours for each program provider. SES Providers will be required to submit data to the LDOE through this mechanism.

G. If the Department of Education determines that one or more complaints about a provider have validity, the department may choose to commence a review of the provider. The complaints may arise from:

1. a school/school district;
2. a parent;
3. a student;
4. a representative of a governmental entity; or
5. a DOE annual review.

H. The department will acknowledge all reports received and will communicate the resolution to the source of the report. The department will require of any party bringing a complaint to explain and/or provide copies of all documents showing prior good-faith attempts to resolve the issue (except in cases of hazard, endangerment, etc.)

I. The department will, based on the nature of the complaint or deficient performance, first determine if a temporary suspension is appropriate. After review of the complaint, the department will then determine whether the state standards to participate on the List are being upheld. The provider shall be notified if it will continue to participate on the State-Approved List or be prohibited from continuing to provide services.

J. In the event that provider is suspended or terminated from the State-Approved List, the department will notify schools/districts in the provider's previously approved service area(s) of the provider's change in status.

K. Should a parent/guardian, student, or provider bring to the attention of the department an issue of complaint or deficient performance regarding a school or district in relation to SES implementation, the department will bring the issue to the attention of the appropriate personnel in the school/district.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Chapter 39. Inclusion of Students with Disabilities §3905. Inclusion of Alternate Assessment Results

A. LAA and LAA-B test scores shall be included in the 2002-2003 Baseline SPS, and LAA test scores shall be included in Growth and Baseline SPS calculations for all subsequent years.

B. LAA scores shall be converted according to the following method.

1. The 4 State-Specified-Skills scores within each subject area shall be averaged and those subject area averages (ELA, math, science, and social studies) shall be converted to scores using the following table.

a. Students enrolled in the Student Information System (SIS) in CRT grades (4, 8 10, 11) shall receive the CRT Level labels and the corresponding Index Points.

b. For students enrolled in NRT grades (3, 5, 6, 7, 9), the 4 subject area averages shall be converted to the 4 corresponding Index Scores, and those Index Scores averaged to create student level NRT indices.

LAA Score	Level	Index Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Students taking LAA-B shall receive a score of zero in the Baseline SPS and a score of non-proficient in subgroup component calculations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Chapter 40. Definitions Related to English Proficiency §4001. Proficient in English

A. To be considered English proficient a student who is limited English proficient must score for:

1. Two Years

a. at either the proficient level according to the state's high stakes testing policy on LEAP 21 assessments, and/or

b. at or above the 40th percentile composite score on IOWA, and

2. One Year

a. at the Full English Proficiency Level V on the English Language Development Assessment in listening, speaking, reading, writing, and comprehension.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

§4003. Making Progress in Learning English

A. Making progress in learning English will be demonstrated by a student who moves to a higher level of English proficiency as indicated by the annual assessment of English language proficiency using the English Language Development Assessment.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1644 (August 2003), LR 30:

§4005. English Language Proficiency Descriptors

A. English Language Proficiency Labels are defined as:

1. Level I-Beginning Proficiency indicates that the student who is limited English proficient is:

- a. beginning to understand short utterances;
- b. beginning to use gestures and simple words to communicate;
- c. beginning to understand simple printed material
- d. beginning to develop communicative writing skills.

2. Level II-Lower Intermediate Proficiency indicates that the student who is limited English can:

- a. understand simple statements, directions, and questions;
- b. use appropriate strategies to initiate and respond to simple conversation;
- c. understand the general message of basic reading passages;
- d. compose short informative passages on familiar topics.

3. Level III-Upper Intermediate Proficiency indicates that the student who is limited English proficient can:

- a. Level III-Upper Intermediate Proficiency indicates that the student who is limited English proficient can:
 - a. understand standard speech delivered in most settings;
 - b. communicate orally with some hesitation;
 - c. understand descriptive material within familiar contexts and some complex narratives;
 - d. Write simple texts and short reports.

4. Level IV-Advanced Proficiency indicates that the student who is limited English proficient can:

- a. identify the main ideas and relevant details of discussions or presentations on a wide range of topics;
- b. actively engage in most communicative situations familiar or unfamiliar;
- c. understand the context of most text in academic areas with support;
- d. write multi-paragraph essays, journal entries, personal/business, and creative texts in an organized fashion with some errors.

5. Level V-Full English Proficiency indicates that the student who is limited English proficient can:

- a. understand and identify the main ideas and relevant details of extended discussion or presentations on familiar and unfamiliar topics
- b. Is fluent and accurate in language production
- c. Use reading strategies the same as their native English-speaking peers to derive meaning from a wide range of both social and academic texts
- d. Write fluently using language structures, technical vocabulary, and appropriate writing conventions with some circumlocutions

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary

and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 111? The Louisiana School,
District, and State Accountability System**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs (savings) to state governmental units. The proposed changes clarify existing language, include a timeframe for school improvement tasks, add details to the Supplemental Educational Services process, more precisely define the inclusion of LEAP Alternate Assessment scores in School Performance Score calculations, and define English proficiency.

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 J. Langley
Deputy Superintendent
Management and Finance
0312#023

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 112? Louisiana English Language
Development Standards
(LAC 28:Part LXXXV.Chapters 1-7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement the adoption of *Bulletin 112? Louisiana English Language Development Standards*, which contains content standards in each of the four domains of language, listening, speaking, reading, and writing, and establishes five levels of English language proficiency within each domain. Implementation of these standards and benchmarks will be used to guide curriculum development for limited English proficient students. The *Louisiana English Language Development Standards* are aligned to the State's *English Language Arts Standards* and linked to the State's *Math, Social Studies, Science, and Foreign Language Standards* as required by Title III of the Elementary and Secondary Education Act, No Child Left Behind of 2001.

Title 28
EDUCATION

Part LXXXV. Louisiana English Language
Development Standards

Chapter 1. Standard One

§101. General Provisions

A. Standard One. Students demonstrate competence in listening as a tool for learning and comprehension.

B. Focus. As students who are limited English proficient move through the 5 levels of English listening proficiency from phonemic awareness to understanding short utterances and simple directions to understanding standard speech both in social and academic settings to understanding the main ideas and relevant details of extended discussions or presentations, these students will develop the English listening skills that will enable them to fully access the general education curriculum and achieve at the same academic levels as their native English-speaking peers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

§103. Listening Benchmarks and Proficiency Levels

A. If cognitively appropriate, in grades K-12 what students who are limited English proficient should know and are able to do includes the following.

1. ELD-1-L1? Students demonstrate growth in comprehension of oral language and

begin to access the curriculum in core subject areas (ELA -4).

a. Listening Proficiency Level I. Beginner: Students at this level are beginning to understand short utterances. They occasionally understand isolated words, such as cognates, borrowed words, or high frequency social conventions. The student is able to do the following:

- i. detect non-verbal and verbal cues (L 1.1);
- ii. focus attention selectively (L 1.2);
- iii. demonstrate comprehension through non-verbal responses (L 1.3);

vi. respond correctly to high frequency social convention (L 1.4);

v. respond to simple directions or instructions (L 1.5);

vi. listen to and imitate others use of language (L 1.6);

vii. comprehend a few words, phrases with basic English grammatical forms (L 1.7).

2. ELD-1-L2? Students comprehend simple statements, directions, questions, and continue to access the curriculum in core subject areas (ELA -4).

a. Listening Proficiency Level II-Lower Intermediate. Students at this level understand simple statements, directions, and questions. They rely on a speaker's use of repetition, gestures, and other non-verbal cues to sustain communication. The student is able to do the following:

i. begin to discriminate the sounds and intonation patterns of the English language (L2.1);

ii. understand basic structures, expressions, and vocabulary such as school environment and basic personal information (L 2.2);

iii. comprehend key words, phrases and/or sentences with basic English grammatical forms (L2.3);

iv. follow multi-step oral directives to complete task (L 2.4);

v. interpret speaker's message, purpose, and perspectives (L 2.5);

vi. assess how language choice reflects the tone of the message (L 2.6).

3. ELD-1-L3? Students comprehend simple narratives and structures in short interactions with peers and adults, and continue to access the curriculum in core subject areas (ELA -5).

a. Proficiency Level III-Upper Intermediate. Students at this level understand standard speech delivered in most settings with some repetition and rephrasing. They understand the main idea(s) and relevant details of extended discussions or presentations. They draw on a wide range of language forms, vocabulary, idioms, and structures. Students at this level are beginning to detect affective undertones, and they understand inferences in spoken language. The student is able to do the following:

i. demonstrate proficiency of the listening process such as focusing attention, interpreting and responding to topics in everyday situations (L 3.1);

ii. listen attentively to stories/information and identify main idea, key details and concepts using both verbal and non-verbal cues of the speaker (L 3.2);

iii. identify a variety of media messages and give some supporting details (L 3.3).

4. ELD-1-L4? Students understand speech in most authentic situations with some repetition and rewording in both social and core academic setting approaching grade level listening comprehension (ELA 6).

a. Listening Proficiency Level IV-Advanced. Students at this level understand most standard speech. They identify main ideas and relevant details of discussions or presentations on a wide range of topics, including unfamiliar ones. Students infer meaning from stress, intonation, pace, and rhythm. The student is able to do the following:

i. listen to proficient, fluent models of oral reading, including selections from classic and contemporary works (L 4.1);

ii. use effective listening to provide appropriate feedback in variety of situations such as conversations, discussions, and informative, persuasive, or artistic presentations (L 4.2);

iii. demonstrate understanding of figurative language and idiomatic expressions by responding to and using such expressions appropriately (L 4.3).

5. ELD-1-L5. Students master comprehension of standard speech at grade level in both social and core academic settings (ELA 7).

a. Listening Proficiency Level V-Full English Proficiency. Students at this level understand and identify the main ideas and relevant details of extended discussions or presentations on a wide range of familiar and unfamiliar topics in a number of modalities. Students apply linguistic skills and knowledge, including vocabulary, idioms, and complex grammatical structures in the learning of academic content. They comprehend subtle and nuance details of meaning. The student is able to do the following:

- i. differentiate between the speaker's opinion and verifiable fact (L 5.1);
- ii. demonstrate comprehension of and give an appropriate listener response to ideas in a persuasive speech, oral interpretation of literary selections, interviews in a variety of real-life situations, and in educational and scientific presentations (L 5.2);
- iii. identify, analyze and imitate a speaker's persuasive techniques such as selling, convincing, and using propaganda (L 5.3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

Chapter 3. Standard Two

§301. General Provisions

A. Standard Two. Students demonstrate competence in speaking for effective communication in social and academic contexts.

B. Focus. As students who are limited English proficient move through the 5 levels of English speaking proficiency from using simple words or phrases to initiating and responding to simple conversation to producing complex sentence structures to producing a high degree of fluency and accuracy when speaking to producing fluent and accurate language production in both social and academic situations, these students will develop English speaking skills that will enable them to fully access the general education curriculum and achieve at the same academic levels as their native English-speaking peers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

§303. Speaking Benchmarks and Proficiency Levels

A. If cognitively appropriate, in grades K-12 what students who are limited English proficient should know and are able to do includes the following.

1. ELD-2-S1? Students will show growth in oral communication using high frequency words and phrases to begin to access the curriculum in core subject areas (ELA 4).

a. Speaking Proficiency Level I-Beginner. Students at this level use gestures, simple words or phrases when given sufficient context or visual cues to respond to or request information. The student is able to do the following:

- i. communicate with gestures and non-verbal modalities (S 1.1);
- ii. communicate using common social greetings and simple repetitive phrases (S 2.2);
- iii. answer simple questions with one and two-word responses (S 2.3);
- iv. communicate basic needs, wants, and feelings (S 2.4);
- v. generate a few words, phrases with basic English grammatical form and phonemic accuracy (S 2.5).

2. ELD-2-S2? Students use appropriate strategies to initiate and respond to simple statements and questions to continue to access the curriculum in core subject areas (ELA 4).

a. Speaking Proficiency Level II-Lower Intermediate. Students at this level use appropriate strategies to initiate and respond to simple conversation with hesitation, relying on known vocabulary, familiar structures

and utterances and may have to repeat themselves to be understood. The student is able to do the following:

- i. name people, places, objects, events and basic concepts such as days of the week, food, occupations and time (S 2.1);
- ii. restate oral directions or instructions (S 2.2);
- iii. ask and give information such as directions, address, name, and age (S 2.3);
- iv. ask and answer questions using simple phrases or sentences (S 2.4);
- v. respond to factual questions about texts read aloud (S 2.5);
- vi. narrate basic sequence of events (S 2.6).

3. ELD-2-S3? Students initiate and sustain a simple conversation in social and core academic settings (ELA 4,7).

a. Speaking Proficiency Level III-Upper Intermediate. Students at this level communicate orally, often with hesitation, when using low-frequency vocabulary. They begin to produce complex sentence structures, use verb tenses correctly, and discuss academic topics. The student is able to do the following;

- i. ask and answer questions to gather and provide information in English (S 3.1);
- ii. converse on simple topics begin to use most conventions of the oral English language including intonation, syntax, and grammar. (S 3.2);
- iii. narrate simple sequence of events (S 3.3);
- iv. retell and paraphrase familiar stories with simple sentences (S 3.4);
- v. ask and answer instructional questions about simple written texts with simple words and phrases (S 3.5);
- vi. give directions/procedures (S 3.6);
- vii. prepare and deliver short oral presentations (S 3.7).

4. ELD-2-S4? Students approaching grade level communication with confidence in most situations with support in academic areas (ELA 4,7).

a. Speaking Proficiency Level IV-Advanced. Students at this level engage in most communicative situations with some errors, demonstrating competence in oral language. They have a high degree of fluency and accuracy when speaking in social settings, although they may encounter difficulty in academic language production. The student is able to do the following:

- i. recognize appropriate ways of speaking that varies based on purpose, audience, and subject matter (S 4.1);
- ii. respond to factual questions about texts read aloud (S 4.2);
- iii. communicate effectively in conversations and group discussions while problem solving and planning (S 4.3);
- iv. use the conventions of oral language effectively including intonation, syntax, and grammar (S 4.6);
- v. narrate complex sequence of events (S 4.5);
- vi. use a variety of idiomatic expressions and figurative language appropriately (S 4.6);
- vii. persuade, argue or reason to support spoken ideas with evidence, elaborations, and examples (S 4.7).

5. ELD-2-S5? Students on grade level engage in social and academic communication with mastery of complex language structures in varied situations (ELA 4,7).

a. Speaking Proficiency Level V-Full English Proficiency. Students at this level are fluent and accurate in language production with some hesitation regarding technical content area vocabulary. The student is able to do the following:

- i. adapt spoken language such as word choice, diction, and usage to the audience, purpose, and occasion (S 5.1);
- ii. use effective, rate, volume, pitch, and tone for the audience and setting (S 5.2);
- iii. actively participate and initiate more extended social conversations or discussions with peers and adults on familiar or unfamiliar topics by making relevant contributions, asking and answering questions, restating and soliciting information (S 5.3);
- iv. demonstrate effective communication skills that reflect such demands as interviewing, reporting, requesting, and providing information (S 5.4);
- v. prepare and deliver extended oral presentations that follow a process of organization using a variety of sources for a research project (S 5.5);
- vi. explain abstract tasks an/or concepts with appropriate sequencing taking into account the listener's perspective (S 5.6);
- vii. negotiate with confidence using complex language structures for expression of personal view of abstract ideas (S 5.7).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

Chapter 5. Standard Three

§501. General Provisions

A. Standard Three. Students read, comprehend, analyze, and respond to a range of reading materials using various strategies for different purposes.

B. Focus. Students who are limited English proficient enter school with a wide range of literacy skills and abilities in their native language. As students move through the 5 levels of English reading proficiency from letter recognition to simple language structures and syntax to complex narratives to comprehending the context of most text to using the same reading strategies to derive meaning from a wide range of social and academic texts, these students will develop the English reading skills that will enable them to fully access the general education curriculum and achieve at the same academic levels as their native English-speaking peers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

§503. Reading Benchmarks and Proficiency Levels

A. If cognitively appropriate, in grades K-12 what students who are limited English proficient should know and are able to do includes the following.

1. ELD-3-R1? Students develop initial print awareness and begin to access the curriculum in core subject areas (ELA 1, 5, 6, 7).

a. Reading Proficiency Level I-Beginner. Students at this level understand simple print material. Students identify high-frequency words and symbols when strongly supported by context. The student is able to do the following:

- i. hold print material in the correct position (R 1.1);
- ii. recognize common signs and logos (R 1.2);
- iii. distinguish individual printed letters from words and sentences (R 1.3);
- iv. identify words from left to right and top to bottom on the printed page (R 1.4);
- v. recognize the order of the alphabet and the form of the letters, and Arabic numbers (R.3.5);
- vi. know the difference between capital and lowercase letters (R 1.6);
- vii. recognize phonetic pronunciation of the letters of the alphabet (R 1.7);
- viii. match oral words to printed words or graphics (R. 1.8);
- ix. read simple one syllable and high frequency words when strongly supported by context (R 3.9);
- x. use emerging reading skills to make meaning from print (R 1.10).

2. ELD-3-R2. Students understand simple material form academic or social purposes to continue to access the curriculum in core subject areas (ELA 1, 5, 6, 7).

a. Reading Proficiency Level II-Lower Intermediate. Students at this level understand the general message of basic reading passages that contain simple language structures and syntax. Students begin to use reading strategies to guess the meaning of unfamiliar words through the use of pictures, diagrams, cognates, and context. The student should be able to do the following:

- i. use prior knowledge to interpret pictures (R 2.1);
- ii. use pictures to make predictions about the text (R 2.2);
- iii. recognize sound/symbol relationships (R 2.3);
- iv. read common word families and simple sentences (R 2.4);
- v. read compound words and contractions (R 2.5);
- vi. use cognates for academic or social comprehension (R 2.6);
- vii. recognize basic word order rules in phrases, simple sentences, or simple text (R 2.7).

3. ELD-3-R3? Students understand a more complex narrative and descriptive materials within a familiar context to continue to access the curriculum in core subject areas (ELA 1, 5, 6, 7).

a. Reading Proficiency Level III-Upper Intermediate. Students at this level understand descriptive materials within familiar contexts and some complex narratives. The student uses visual and contextual cues to derive meaning from text that contains unfamiliar words and expressions. There may be a disparity between reading fluency and comprehension. The student should be able to do the following:

- i. demonstrate knowledge of taught contractions (R 3.1);
- ii. recognize common abbreviations (R 3.2);
- iii. use capitalization and punctuation to comprehend (R 3.3);

- iv. locate the meanings, pronunciations, and derivations of unfamiliar words using dictionaries, glossaries, and other sources (R. 3.4);
- v. recognize and use knowledge of spelling patterns when reading (R 3.5);
- vi. recognize the format of poetry versus prose (R 3.6);
- vii. identify the main idea (R 3.7).

4. ELD-3-R4? Students, approaching grade level, understand the content of most text with support in academic content areas (ELA 1, 5, 6, 7).

a. Reading Proficiency Level IV-Advanced. Students at this level comprehend the context of most text in the academic areas with some degree of support. They read many literary genres for pleasure and have a high degree of success reading factual but non-technical prose. The student should be able to do the following:

- i. interact independently with a variety of text (R 4.1);
- ii. recognize most common English morphemes in phrases and sentences (R 4.2);
- iii. apply knowledge of word relationships, such as root and affixes to derive meaning from literature and text in content area (R 4.3);
- vi. rely on context clues to determine meaning (R 4.4);
- v. use reference materials including the glossary, dictionary, index, thesaurus, almanac, atlas, and multi-media resources (R 4.5);
- vi. distinguish between main idea and supporting details (R 4.6).

5. ELD-3-R5? Students understand a wide range of both social and academic texts available to native English speakers at grade level (ELA 1,5, 6, 7).

a. Reading Proficiency Level V-Full English Proficiency. Students at this level use the same reading strategies as their native English-speaking peers to derive meaning from a wide range of both social and academic texts. The student should be able to do the following:

- i. create artwork or a written response that shows comprehension of a selection (R 5.1);
- ii. comprehend material from a variety of genres (R 5.2);
- iii. draw correlations from literature and links to real life situations (R 5.3);
- iv. name and analyze story plot, setting, and conflict (R 5.4);
- v. analyze, evaluate, and draw conclusions by providing evidence presented in the text (R 5.5);
- vi. organize, evaluate, and condense information for use in a presentation or writing (R 5.6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

Chapter 7. Standard Four

§701. General Provisions

A. Standard Four. Students write proficiently in English for various purposes and audiences.

B. Focus. Students who are limited English proficient are expected to perform on an academic level commensurate with their English-speaking peers. As students move through

the five levels of English writing proficiency from letter formation to composing short informative passages to short reports to multi-paragraph essays to writing fluently using language structures and writing conventions, these students will develop the writing skills that will enable them to fully access the general education curriculum and achieve at the same academic levels as their native English speaking-speaking peers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

§703. Writing Benchmarks and Proficiency Levels

A. If cognitively appropriate, in grades K-12 what students who are limited English proficient should know and are able to do includes the following.

1. ELD-4-W1? Students demonstrate growth in communicative writing skills to begin to access the curriculum in core subject areas (ELA 2, 3).

a. Writing Proficiency Level I-Beginner. Students at this level are beginning to develop communicative writing skills including the formation of individual letters and transcription of familiar words or phrases. Instruction for these students will target alphabetic awareness and basic writing techniques relative to phonological and morphological areas. The student should be able to do the following:

- i. draw or copy from a mode (W 1.1);
- ii. print upper and lowercase letters of the alphabet (W 1.2);
- iii. print legibly using left to right, top to bottom directionality (W 1.3);
- iv. write his/her own name and other important words (W 1.4);
- v. print legibly using correct spacing between letters and words and sentences (W 1.5);
- vi. copy words posted and commonly used in the classroom (W 1.6);
- vii. label key parts of common objects (W 1.7);
- viii. capitalize first word of a sentence, proper nouns, and initials (W 1.8).

2. ELD-4-W2? Students compose short informative passages on familiar topics and continue to access the curriculum in core subject areas (ELA 2, 3).

a. Writing Proficiency Level II-Lower Intermediate. Students at this level describe basic personal needs and compose short informative passages on very familiar topics. Students use prior knowledge to build understanding of essential grammatical concepts and constructs such as syntax and semantics. The student should be able to do the following:

- i. arrange words in alphabetical order (W 2.1);
- ii. use phonetic spelling (W 2.2);
- iii. produce several simple sentences on a topic (W 2.3);
- iv. use correct punctuation at the end of a sentence (W 2.4);
- v. write labels, notes, captions for illustrations, possessions, charts, and centers (W 2.5);
- vi. fill out simple forms with personal information with support (W 2.6);

vii. begin to demonstrate knowledge of paragraph structure (W 2.7).

3. ELD-4-W3? Students write simple texts, correspondence, and short reports using high frequency language and continue to access the curriculum in core subject areas (ELA 2, 3).

a. Writing Proficiency Level III-Upper Intermediate. Students at this level write simple texts, personal/business letters, and short reports using high frequency language. Students recognize and correct obvious grammatical and syntactical errors. Students write various sentence patterns/structures. The student should be able to do the following:

- i. begin to demonstrate conventional spelling (W 3.1);
- ii. identify complete and incomplete sentences in written English (W 3.2);
- iii. use basic grammatical constructions in simple sentences (W 3.3);
- iv. write multiple sentences about a topic (W 3.4);
- v. write with more proficient spelling of inflectional endings, including plurals, past tense, and words that drop the final e when such endings as ing, ed, or able are added, correctly use apostrophes in contractions and possessives. (W 3.5);
- vi. write friendly notes and letters (W 3.6);
- vii. edit writing for punctuation, capitalization and spelling (W 3.7).

4. ELD-4-W4? Students, approaching grade level, write multi-paragraph essays, journal entries, personal and business letters, and creative texts in an organized fashion both in social and core academic subject areas (ELA 2, 3).

a. Writing Proficiency Level IV-Advanced. Students at this level write multi-paragraphs essays, journal entries, personal/business letters, and creative texts in an organized fashion with some errors. Students refine English writing skills leading into more mature, stylistic, and expressive formats. The student should be able to do the following:

- i. use planning strategies before writing (e.g.: process writing, graphic organizers) (W 4.1);
- ii. use resources to find correct spellings, synonyms, and replacement words (W 4.2);
- iii. use correct spelling of frequently used words in writing and words that contain affixes, contractions, compounds, common homophones, and words appropriate to the topic (W 4.3);
- iv. write the accurate spelling of root words, affixes, and inflections (W 4.4);
- v. spell derivatives correctly by applying the spelling of bases and affixes (W 4.5);
- vi. write a three-paragraph essay about a topic (W 4.6);
- vii. edit and revise writing for grammar and content (W 4.7);
- viii. begin writing in a variety of genres (W 4.8).

5. ELD-4-R5? Students, at grade level, produce fluent academic writing using language structures, technical vocabulary, and appropriate writing conventions to access the curriculum in core subject areas (ELA 2, 3, 7).

a. Writing Proficiency Level V-Full English Proficiency. Students at this level write fluently using language structures, technical vocabulary, and appropriate writing conventions with some circumlocutions. Students continue to expand written vocabulary to express themselves in various genres. The student should be able to do the following:

- i. organize and record expository information on pictures, lists, charts, and tables for literature and content area (W 5.1);
- ii. write to inform such as to explain, describe, report, narrate and persuade (W 5.2);
- iii. use figurative language correctly (W 5.3);
- iv. use analogies, quotations and facts to support a thesis (W 5.4);
- v. proofread writing for appropriateness of organization, content, style, and conventions (W 5.5);
- vi. apply rubric criteria to evaluate writing (W 5.6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 30:

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 112? Louisiana English
Language Development Standards**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Title III Section 3113(b)(2) of the Elementary and Secondary School Act, No Child Left Behind, 2001 requires that the state establish English language proficiency standards for students who are limited English proficient in grades K-12. It is estimated that approximately \$10,000 will be required to print and mail copies of the Bulletin to each school within the state as well as other interested groups.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley
Superintendent
Management and Finance
0312#016

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741? Louisiana Handbook for School Administrators? Career and Technical Course Offerings (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741? The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry standards. The action is being proposed to up-date Career and Technical course offerings. In updating these course offerings our Career and Technical program of studies will be more aligned with national standards.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education in LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 30:

* * *

Agriculture Education

2.105.25 Agriculture Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Agriscience	7-8	--
Agribusiness	11-12	1/2
Agriculture Education Elective (1/2 Credit)	9-12	1/2
Agriculture Education Elective (1 Credit)	9-12	1
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience Welding Systems I	11-12	1/2
Agriscience Welding Systems II	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	12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Application	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry Based Certifications		
ABC Carpentry in Agriscience (1 Credit)	10-12	1
ABC Carpentry in Agriscience (2 Credits)	10-12	2
ABC Carpentry in Agriscience (3 Credits)	10-12	3
ABC Electricity in Agriscience (1 Credit)	10-12	1
ABC Electricity in Agriscience (2 Credits)	10-12	2
ABC Electricity in Agriscience (3 Credits)	10-12	3
ABC Pipefitting in Agriscience (1 Credit)	10-12	1
ABC Pipefitting in Agriscience (2 Credits)	10-12	2
ABC Pipefitting in Agriscience (3 Credits)	10-12	3
ABC Welding in Agriscience (1 Credit)	10-12	1
ABC Welding in Agriscience (2 Credits)	10-12	2
ABC Welding in Agriscience (3 Credits)	10-12	3

Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

Required prerequisites are outlined in the Agriculture Education section of *Career and Technical Education Course Descriptions & Programs of Study*. All courses shall be taught in sequence. Level I courses are prerequisite to Level II courses. Agriscience I is prerequisite to Animal Systems, Aquaculture, Crop Systems, Equine Science, Food and Fiber, Forestry, and Agriscience-Welding Systems I. Agriscience I and Biology I are prerequisites to Biotechnology. Agriscience I and/or enrolled simultaneously in Biology I are prerequisites to Environmental Application. Agriscience I or Biology I is prerequisite to Horticulture I. Agriscience II is prerequisite to Agriscience-Construction and Precision Agriculture. Agribusiness is prerequisite to Agriscience-Entrepreneurship.

Semester courses are designed to be offered in the place of, or in addition to Agriscience III and/or IV.

Safety must be taught in all courses. Refer to *Bulletin 1674* for safety information.

Business Education

2.105.26 Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I (1/2 Credit)	9-12	1/2
Business Education Elective I (1 Credit)	9-12	1
Business Education Elective II (1/2 Credit)	9-12	1/2
Business Education Elective II (1 Credit)	9-12	1
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Multimedia Presentations	11-12	1/2
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1

Computer Technology Literacy	9-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Math	9-12	1
Introduction to Business Computer Applications	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I (1 Credit)	10-12	1
Lodging Management I (2 Credits)	10-12	2
Lodging Management I (3 Credits)	10-12	3
Lodging Management II (1 Credit)	11-12	1
Lodging Management II (2 Credits)	11-12	2
Lodging Management II (3 Credits)	11-12	3
Principles of Business	9-12	1
Web Design	10-12	1/2
Word Processing	11-12	1

Keyboarding and Keyboarding Applications or Introduction to Business Computer Applications shall be a prerequisite to Administrative Support Occupations, Business Computer Applications, Business Communications, Business English, Computer Multimedia Presentations, Telecommunications and Word Processing. Word Processing or Business Computer Applications is prerequisite to Desktop Publishing. Level I courses shall be prerequisite to Level II courses.

Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding/Keyboarding Applications or Introduction to Business Computer Applications and one of the following: ASO or Word Processing or BCA, and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

English I, II, and III are prerequisites to Business English. BCA or Word Processing is prerequisite to Computer Multimedia Presentations. A basic computer course shall be prerequisite to Telecommunications. To enroll in Web Design, the student must have completed one or more of the following: Desktop Publishing, Business Computer Applications, Computer Science, Computer Multimedia or Telecommunications.

General Career and Technical Education

2.105.27 General Career and Technical Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Career and Technical Education Internship I	11-12	2
Career and Technical Education Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2
Education for Careers	9-12	1
Teacher Cadet I	11-12	1
Teacher Cadet II	12	1

General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted,

amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule effect the stability of the family? No.

2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule effect the functioning of the family? No.

4. Will the proposed Rule effect family earnings and family budget? No.

5. Will the proposed Rule effect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed rule? Yes.

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 741? Louisiana Handbook for School Administrators? Career and Technical Course Offerings**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision will change Career and Technical course offerings. It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units. The LEA may choose to offer new courses to students that may require purchasing items such as new textbooks, instructional materials or equipment. Each LEA will make their determination.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes are being requested to bring current Career and Technical course offerings in-line with industry demands. In aligning our course offerings with national standards, it will strengthen the link between secondary and postsecondary institutions. It will assist Career and Technical students in attaining vocational skills for the workplace.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained qualified pool from which to select employees.

Marlyn Langley
Deputy Superintendent
Management and Finance
0312#018

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741? Louisiana Handbook for School Administrators? Curricular Design for Exceptional Students (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741? The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). These revisions to Bulletin 741 repeal the Rules that address alternate assessment and curricular design for students with disabilities in special schools. The Rules are being repealed in order to be consistent with Rules governing students with disabilities not attending special schools.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations §901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with RS. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269, 272, (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 30:

* * *

Assessment

3.087.11 Repealed.

Curricular Design for Exceptional Students

3.087.15 Repealed.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule effect the stability of the family? No.
2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule effect the functioning of the family? No.
4. Will the proposed Rule effect family earnings and family budget? No.
5. Will the proposed Rule effect the behavior and personal responsibility of children? Lacks sufficient information to determine.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 741? Louisiana Handbook for School Administrators? Curricular Design for Exceptional Students

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

These revisions to Bulletin 741 repeal the rules that address alternate assessment and curricular design for students with disabilities in special schools. The rules are being repealed in order to be consistent with rules governing students with disabilities not attending special schools.

Approximately \$1,000.00 will be expended by the Department of Education to implement these changes. The costs are for preparation and advertising for the Notice of Intent in the *Louisiana Register*, and publication of the revised rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections for state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to non-governmental groups affected by these rule revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment

Marlyn Langley
Deputy Superintendent
0312#019

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State
Certification of School Personnel? Deadline
Date for Completing Endorsements
(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 extends the deadline date from July 1, 2004, to August 31, 2004, for

teachers to complete requirements for adding endorsements under the old regulations, prior to the new certification structure of July 1, 2002. The new deadline allows candidates an additional summer semester to complete the old requirements. This action extending the deadline date was requested by higher education institutional providers of certification coursework.

**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), amended LR 28:2505 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:

* * *

**Deadline Date for Completing Endorsement
Requirements under Guidelines that Preceded the
July 1, 2002, Certification Structure**

The new Louisiana certification structure became effective July 1, 2002, setting categories for certification levels as Early Childhood, Elementary, Middle School, and Secondary. Many of the old regulations for adding endorsement areas were superseded by regulations under the new certification structure.

Teachers who began requirements for adding endorsements under the old regulations are allowed until August 31, 2004, to complete endorsement requirements under the old regulations.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746? Louisiana Standards
for State Certification of School Personnel
Deadline Date for Completing Endorsements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
This policy extends the deadline date from July 1, 2004, to August 31, 2004, for teachers to complete requirements for adding endorsements under the old regulations, prior to the new certification structure of July 1, 2002. The new deadline allows candidates an additional summer semester to complete the old requirements. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0312#020

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746? Louisiana Standards for State
Certification of School Personnel? PRAXIS Exams
and Passing Scores for Louisiana Certification
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746? Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy specifies the exam and passing score(s) for the following certification areas: Business Education; Middle School Science; and Middle School Social Studies. Relative to the two middle

school exams, this action continues the Board's alignment of PRAXIS testing policy with the No Child Left Behind Act of 2001. Additionally, the Board periodically revisits passing scores of previously adopted exams and adopts new passing scores, as is the case with the exam for Business Education.

**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 (December 2002), LR 29:117, 119, 121 (February 2003), LR 30:

PRAXIS/NTE SCORES

Minimum Score Requirements for Certification in Louisiana, Effective 6/1/04

(See next pages for NTE tests/scores required for certification in Louisiana prior to 9/1/99* and as of 9/1/99)

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT K-6	PLT 5-9	OR	PLT 7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	570	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood PK-3: Elementary Education: Content Knowledge #0014	150	172	171	170	Pedagogy Requirement: Early Childhood Education (0020) 510			
Elementary Education: Through 9/30/02: Curriculum, Instruction, & Assessment (0011)	156							
Content Area Exercises (0012)	137	172	171	170	161	---		---
Effective 10/1/02: Content Knowledge (#0014)	147							
Effective 6/1/04: Content Knowledge (#0014)	150							
English Language, Literature, & Composition: Content Knowledge (0041)	160	172	171	170	---	---		161
Pedagogy (0043)	130							
French: Content Knowledge (0173)	156	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161
Mathematics: Content Knowledge (0061)	125	172	171	170	---	---		161
Effective 6/1/07	130							
Effective 6/1/10	135							
Middle School: Mathematics (0069)	148							
Middle School: Science (0439)	140							
Effective 6/1/06	145	172	171	170	---	154		---
Effective 6/1/09	150							
Middle School: Social Studies (0089)	149							
Music: Content Knowledge (0113)	151	172	171	170	161	154	or	161
ParaPro Assessment (0755)	450	---	---	---	---	---	---	---
Physical Education: Content Knowledge (0091)	146	172	171	170	161	154	or	161
Spanish: Content Knowledge (0191)	160	172	171	170	---	---		161
Social Studies: Content Knowledge (0081)	149	172	171	170	---	---		161
Interpretation of Materials (0083)	152							
Speech Communications***	---	172	171	170	---	---		161

*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

**Computerized PPST (C-PPST) available as an option.

***Area test is not required for certification in Louisiana.

Computer-Based Tests (prior to 1/16/02):

CBT Reading (0711) 319

CBT Writing (0721) 316

CBT Mathematics (0731) 315

Computerized PPST (after 1/16/02)--same passing scores as written

PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)

PPST:R? Pre-Professional Skills Test: Reading (0710)
 PPST:W? Pre-Professional Skills Test: Writing (0720)
 PPST:M? Pre-Professional Skills Test: Mathematics (0730)
 PLT K-6? Principles of Learning & Teaching K-6 (0522)
 PLT 5-9? Principles of Learning & Teaching 5-9 (0523)
 PLT 7-12? Principles of Learning & Teaching 7-12 (0524)

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

Special Education Areas

Area Test	Area Score	Pre -Professional Skills Test			Pedagogy Requirement	
		**PPST:R	**PPST:W	**PPST:M		
Early Interventionist		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353)	143
Hearing Impaired		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353) Education of Deaf and Hard of Hearing Students (0271)	143 160
Mild to Moderate Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353) Education of Exceptional Students: Mild to Moderate Disabilities (0542)	143 141
Severe to Profound Disabilities		172	171	170	Education of Exceptional Students: Core Content Knowledge (0353) Education of Exceptional Students: Severe to Profound Disabilities (0544)	143 147

Praxis/NTE Scores

Minimum Score Requirements for Certification in Louisiana, Effective 9/1/99 (and later, as noted)
(See next page for NTE tests/scores required for certification in Louisiana prior to 9/1/99)*

Area Test	Area Score	Pre-Professional Skills Test			Principles of Learning & Teaching			
		**PPST:R	**PPST:W	**PPST:M	PLT K-6	PLT 5-9	OR	PLT 7-12
Administration and Supervision (0410)	620	---	---	---	---	---		---
Agriculture***	---	172	171	170	---	---		161
Art Education***	---	172	171	170	161	154	or	161
Biology & General Science (0030)	580	172	171	170	---	---		161
Business Education (0100)	540	172	171	170	---	---		161
Chemistry/Physics/General Science (0070)	530	172	171	170				161
Early Childhood Education (0020)	510	172	171	170	161	---		---
Elementary Education: Through 9/30/02: Curriculum, Instruction, & Assessment (0011)	156							
Content Area Exercises (0012) Effective 10/1/02: Content Knowledge (#0014)	137 147	172	171	170	161	---		---
English Language, Literature, & Composition: Content Knowledge (0041)	160	172	171	170	---	---		161
Pedagogy (0043)	130							
French (0170)	520	172	171	170	---	---		161
German (0180)	500	172	171	170	---	---		161
Home Economics Education (0120)	510	172	171	170	---	---		161
Industrial Arts Education***	---	172	171	170	---	---		161
Mathematics (0060)	550	172	171	170	---	---		161
Middle School Effective 10/1/02: Content: Knowledge (0146)	150	172	171	170	---	154		---
Music Education (0110)	530	172	171	170	161	154	or	161
Physical Education (0090)	550	172	171	170	161	154	or	161
Social Studies: Content Knowledge (0081)	149	172	171	170	---	---		161
Interpretation of Materials (0083)	152							
Spanish (0190)	540	172	171	170	---	---		161
Special Education***	---	172	171	170	161	154	or	161
Speech Communications***	---	172	171	170	---	---		161

*Individuals who achieved the required NTE score(s) may use those in lieu of the replacement PRAXIS test.

**Computerized PPST (C-PPST) available as an option.

***Area test is not required for certification in Louisiana.

PPST:R? Pre-Professional Skills Test: Reading (0710)
PPST:W? Pre-Professional Skills Test: Writing (0720)
PPST:M? Pre-Professional Skills Test: Mathematics (0730)
PLT K-6? Principles of Learning & Teaching K-6 (0522)
PLT 5-9? Principles of Learning & Teaching 5-9 (0523)
PLT 7-12? Principles of Learning & Teaching 7-12 (0524)

Computer-Based Tests (prior to 1/16/02):	
CBT Reading (0711)	319
CBT Writing (0721)	316
CBT Mathematics (0731)	315
Computerized PPST (after 1/16/02)? same passing scores as written	
PPST: Reading (#5710), Writing (#5720), Mathematics, (#5730)	

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

NTE Scores

NTE Minimum Score Requirements for Certification in Louisiana Prior to September 1, 1999

Area Test	Area Score	Core Battery Test		
		CS	GK	PK
Administration and Supervision (0410)	620	---	---	---
Agriculture*	---	645	644	645
Art Education*	---	645	644	645
Biology & General Science (0030)	580	645	644	645
Business Education (0100)	540	645	644	645
Chemistry/Physics/General Science (0070)	530	645	644	645
Early Childhood Education (0020)	510	645	644	645
Education in Elementary School (0010)	550	645	644	645
English Language/Literature (0040)	550	645	644	645
French (0170)	520	645	644	645
German (0180)	500	645	644	645
Home Economics Education (0120)	510	645	644	645
Industrial Arts Education*	---	645	644	645
Mathematics (0060)	550	645	644	645
Music Education (0110)	530	645	644	645
Physical Education (0090)	550	645	644	645
Social Studies (0080)	550	645	644	645
Spanish (0190)	540	645	644	645
Special Education *	---	645	644	645
Speech*	---	645	644	645

*Area test is not required for certification in Louisiana.

CS = Core Battery: Communication Skills (0500)

GK = Core Battery: General Knowledge (0510)

PK = Core Battery: Professional Knowledge (0520)

See previous page for PRAXIS/NTE tests/scores required for certification in Louisiana, effective SEPTEMBER 1, 1999

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746? Louisiana Standards for State Certification of School Personnel? PRAXIS Exams and Passing Scores for Louisiana Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy specifies the exam and passing score(s) for the following certification areas: Business Education; Middle School Science; and Middle School Social Studies. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0312#021

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706? Regulations for Implementation of the Children with Exceptionalities Act Students with Disabilities (LAC 28:XLIII.373, 449, 517, 519, and 904)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for

advertisement amendments to Bulletin 1706, *Regulations for Implementation of the Children with Exceptionalities Act*, R.S. 17:1941 et seq., (LAC 28:XLIII). The proposed Rule changes include the removal of the declassified Individualized Education Programs (IEP), technical amendments to reference other sections of the bulletin, add a definition of proposed provisional Certificate of Achievement, and definition of preschool intervention settings. The declassified IEP is removed to clarify the responsibilities of the local education agencies (LEAs) for students who are no longer eligible as students with disabilities. The Rule on provisional Certificate of Achievement is requested to comply with the policies of the State Board of Elementary and Secondary Education. Technical changes are made to comply with the Individuals with Disabilities Education Act (IDEA), and the definitions of preschool intervention settings are made to clarify what is meant by the terminology used in the Least Restrictive Environment section of the bulletin.

**Title 28
EDUCATION**

**Part XLIII. Bulletin 1706? Regulations for
Implementation of the Children with Exceptionalities
Act (R.S. 17:1941, et seq.)**

**Subpart 1. Regulations for Students with Disabilities
Chapter 3. Responsibilities and Activities of the
Division of Special Populations**

§373. Administration of Funds

A. - D. ...

E. Determination of eligibility of students shall be accomplished through the verification procedures of the department regarding the accuracy of the Child Count as detailed in §491. In order to verify the accuracy of each Count submitted, the department will conduct prescribed activities:

1. - 2. ...

3. An on-site Child Count review shall be conducted in accordance with the Compliance Monitoring Procedures. If necessary, each system may be monitored for previous years to verify the accuracy of the Child Count. During fiscal monitoring of each LEA, the monitors will randomly select at least 10, but not more than 20, names from the Child Count report. For each name, the LEA shall provide the student name, date of birth, evaluation report, IEP, class rolls, and any other information that may be necessary to verify the accuracy of the Count.

E.4. - G.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 26:647 (April 2000), amended LR 30:

**Chapter 4. Responsibilities of Local Educational
Agencies**

§449. IEP Declassification Placement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:647 (April 2000), amended LR 29:870 (June 2003), repealed LR 30:

Chapter 5. Procedural Safeguards

§517. Confidentiality of Information

A. - L.1. ...

2. Any persons collecting or using personally identifiable information shall receive training or instruction regarding the state's policies and procedures under §355 of these regulations, 34 CFR Part 99, and Part B of IDEA.

L.3. - P.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 26:651 (April 2000), amended LR 29:873 (June 2003), LR 30:

**§519. Discipline Procedures for Students with
Disabilities**

A. - M.4. ...

5. The hearing shall be conducted according to guidelines established in §508 of these Regulations, where appropriate, except for the timelines at §508.C.4., and according to guidelines established by the department.

M.6. - N.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 26:651 (April 2000), amended LR 29:873 (June 2003), LR 30:

Chapter 9. Definitions

§904. Definitions

Certificate of Achievement-Provisional Eligibility Criteria? an exit document issued to a student with a disability after he or she has achieved certain competencies and has met specified conditions as listed below.

1. a.-d. ...

e. or

i. who participated in LAA in the Spring of 2002 or Spring 2003;

ii. who are disabled under the mandated criteria;

iii. who participated in LEAP Alternate Assessment in their first or third years of high school; and

iv. whose IEP team determined would not be eligible to participate in alternate assessment under the revised LEAP Alternate Assessment Participation Criteria.

2. - f. ...

Preschool-Aged Students with Disabilities Placement Options? as defined below, do not reflect a continuum of least restrictive environment and may include a combination of any of these settings.

1. *Early Childhood Setting?* students receive all of their special education and related services in educational programs designed primarily for children without disabilities. No education or related services are provided in separate special education settings. This may include, but is not limited to:

a. regular kindergarten classes;

b. public or private preschools;

c. Head Start Centers;

d. child care facilities;

e. preschool classes offered to an eligible pre-kindergarten population by the public school system;

f. home/early childhood combinations;

- g. home/Head Start combinations; and
- h. other combinations of early childhood settings.

2. *Early Childhood Special Education Setting?* students receive all of their special education and related services in educational programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings. No education or related services are provided in early childhood settings. This may include, but is not limited to:

- a. special education classrooms in regular school buildings;
- b. special education classrooms in child care facilities, hospital facilities on an outpatient basis, or other community-based settings; and
- c. special education classrooms in trailers or portables outside regular school buildings.

3. *Home?* students receive all of their special education and related services in the principal residence of the child's family or caregivers.

4. *Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting?* students receive services in multiple settings, such that: (1) general and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and (2) special education and related services are provided in programs designed primarily for children with disabilities. This may include, but is not limited to:

- a. home/early childhood special education combinations;
- b. Head Start, child care, nursery school facilities, or other community-based settings with special education provided outside of the regular class;
- c. regular kindergarten classes with special education provided outside of the regular class;
- d. separate school/early childhood combinations.

5. *Residential Facility?* students receive all of their special education and related services in publicly or privately operated residential schools or residential medical facilities on an inpatient basis. This may include, but is not limited to:

- a. hospitals; and
- b. nursing homes.

6. *Separate School?* students receive all of their special education and related services in educational programs in public or private day schools designed specifically for children with disabilities.

7. *Itinerant Service outside the Home?* students receive all of their special education and related services at a school, hospital facility on an outpatient basis or other location for a short period of time (no more than three hours per week). (This does not include children who receive services at home for three hours or less per week. This would be included in the home setting.) These services may be provided individually or to a small group of children. This may include, but is not limited to: speech instruction, APE and assistive technology up to three hours per week in a school, hospital, or other community-based setting. (A combination of services may not exceed three hours per week). Children receiving all of their special education and related services at a school, hospital facility on an outpatient

basis, or other location for longer than three hours per week must be reported under early childhood special education setting or early childhood setting, depending on whether the program was designed primarily for students with or without disabilities.

8. *Reverse Mainstream Setting?* students receive all of their special education and related services in educational programs designed primarily for children with disabilities but that include 50 percent or more children without disabilities.

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:651 (April 2000), amended LR 29:878 (June 2003), LR 30:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 1706? Regulations for Implementation of the Children with Exceptionalities Act? Students with Disabilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes include the removal of the declassified Individualized Education Program (IEP), technical amendments to reference other sections of the bulletin, addition of a definition of proposed provisional Certificate of Achievement, and definitions of preschool intervention settings.

The only costs associated with this rule change is the preparation and printing of the document and that is projected to be approximately \$1,000. Publication can be accomplished via the Department's web site.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to 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
0312#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1794? State Textbook Adoption Policy and Procedure Manual? Home Study Program (LAC 28:XXXIII.517)

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 1794? State Textbook Adoption Policy and Procedure Manual*, referenced in LAC 28:XXXIII. Bulletin 1794 is being revised in order to allow local education agencies (LEAs) to secure a deposit, equal to the replacement cost(s), for textbooks provided to students in approved home study programs. The current deposit of 50 percent does not provide for the replacement of materials that are not returned to the LEA. This action is required by action of the State Board of Elementary and Secondary Education, in exercising its administrative and oversight authority for the state textbook adoption process.

**Title 28
EDUCATION**

Part XXXIII. Bulletin 1794? State Textbook Adoption Policy and Procedure Manual

Chapter 5. Local School System Responsibilities

§517. Textbooks for Home Study Program

A. - A.3. ...

4. provide a deposit equal to 100 percent of the replacement cost. Such deposit will be returned when the books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue participation in the textbook rental program until all textbooks debts have been cleared.

NOTE: Only one grade level set of texts per child per subject is available at any single time.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4), 8-8.1; 172; 351-353; 361-365; 415.1; 463.46

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 25:1445, repromulgated LR 26:1001, amended LR 29:

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 that 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 effect the functioning of the family? No.

4. Will the proposed Rule effect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., January 9, 2004, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1794? State Textbook Adoption Policy and Procedure Manual? Home Study Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost for this rule change is \$135.00 (for printing and postage).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change should have no significant effect on state or local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no significant cost or economic benefit to any person or non-governmental group. The policy change will require parents or guardians of students in approved home study programs to provide a deposit of 100% of the replacement cost of textbooks instead of a deposit of 50% of the replacement cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0312#022

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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) announces its intention to amend its Scholarship/Grant Rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, and R.S. 17:3048.1).

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

The full text of this proposed Rule can be viewed in the Emergency Rule section of this *Louisiana Register*.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., January 10, 2004, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Scholarship/Grant Programs Maintaining Eligibility

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local governmental units as a result of these changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections to the Office of Student Financial Assistance is anticipated to result from these changes.

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 on-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment resulting from these measures.

George Badge Eldredge
General Counsel
0312#050

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority Office of Student Financial Assistance

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

The Louisiana Tuition Trust Authority (LATTA) has amended Rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

The proposed Rule has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Title 28 EDUCATION

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

Chapter 1. General Provisions

§107. Applicable Definitions

* * *

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

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

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

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

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

* * *

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

* * *

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

* * *

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:566 (April 2003), LR 30:

Chapter 3. Education Savings Account

§301. Education Savings Accounts

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

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

2. The account owner classified under §303.A.5 may designate the beneficiary in the owner's agreement, provided the beneficiary is not a member of the account owner's

family, or authorize the LATTA to select a beneficiary for the account.

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

- a. the beneficiary is a Louisiana resident;
- b. the federal adjusted income of the beneficiary's family is less than \$30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);
- c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or the Office of Student Financial Assistance;
- d. demonstrate superior early academic preparation in the third grade by achieving a score on the Iowa Tests of Basic Skills, Stanford 9 Test or TerraNova Test that is in the top two quartiles; and
- e. the guidelines provided by the account owner, if any; provided such guidelines are lawful.

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

B. - C.1. ...

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

3. ...

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

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

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

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

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

e. In the event of the death or dissolution of an other person classified as an account owner under §303.A.5, the beneficiary shall become the substitute account owner, provided that, in the case of an account classified under §303.A.5, all the rights and restrictions provided in law and these rules regarding account owners classified under §303.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of

an account established under §303.A.5. If an account owner classified under §303.A.5 dies or is dissolved and the beneficiary has died or failed to enroll in an eligible educational institution by age 25, and no substitute beneficiary has been designated by the account owner, the Authority shall designate a new beneficiary who must meet the requirements of §301.A.3 and §303.A.5.

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

D. - D.6.c. ...

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

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

a. ...

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

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

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

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

E. - G.2. ...

H. Providing Personal Information

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

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

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

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

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

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

3. By signing the owner's agreement:

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

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

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

i. the beneficiary is a Louisiana Resident;

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

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

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner; and

v. the information provided in the application is true and correct.

H.4 - J. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:713 (June 1997). Amended LR 24:436 (March 1998), LR 24:1269 (July 1998), LR 25:1794 (October 1999), LR 26:2262 (October 2000), LR 27:1878 (November 2001), LR 28:450 (March 2002), LR 28:778 (April 2002), LR 28:2334 (November 2002), LR 30:

§303. Account Owner Classifications

A. - A.4. ...

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

a. the beneficiary is a resident of the state;

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

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

d. the deposits to the account are an irrevocable donation by the owner.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 27:1879

(November 2001), amended LR 28:779 (April 2002), LR 28:2334 (November 2002), LR 30:

§305. Deposits to Education Savings Accounts

A. - C.3. ...

D. Investment Options

1. The State Treasurer shall select fixed earnings and variable earnings investment options.

2. The Authority shall furnish each account owner with information that discloses each of the investment options offered by the program.

3. The account owner shall select one or more of the investment options in completing the owner's agreement. If more than one option is selected, the account owner shall indicate the percentage of each deposit for each investment option and the percentages must total 100 percent.

4. Investment options and the percentage of each deposit to an option can be changed no more than once in any 12 month period.

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

E. Deposits

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 30:

§307. Allocation of Earnings Enhancements

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

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

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

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

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

2. ...

B. Providing Proof of Annual Federal Adjusted Gross Income

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

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

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

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

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

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

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

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

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

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

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

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

b. In completing the owner's agreement, account owners who are classified under §303.A.5, provide

authorization from the beneficiary's family for the LATTA to access their records with the Louisiana Department of Revenue for the purpose of verifying the beneficiary's family's federal adjusted gross income. In the event the beneficiary's family does not file tax information with the Louisiana Department of Revenue, the beneficiary's family must provide:

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

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

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

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

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

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

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

E. - F. ...

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

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

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

H. - J.3. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:1263 (June 2000), LR 26:2263 (October 2000), LR 27:37 (January 2001) LR 27:1221 (August 2001), LR 27:1880 (November 2001), LR 28:779 (April 2002), LR 30:

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

A. Request for Disbursement

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

2. The request for disbursement must include:

a. the START Account number;

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

- c. the beneficiary's name, address, and Social Security Number;
- d. the amount to be disbursed and to whom; and
- e. the name and address of the eligible education institution.

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

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

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

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

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

B. Rate of Expenditure

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

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

C. Payments to Eligible Educational Institutions

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

C.2. - G ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:716 (June 1997), amended LR 24:1272 (July 1998), LR 24:2238 (December 1998), LR 26:2265 (October 2000), LR 27:1881 (November 2001), LR 30:

§311. Termination and Refund of an Education Savings Account

A. ...

B. Account Terminations

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

2. - 5. ...

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

C. Refunds

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

2. ...

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

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

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

D. Designation of a Refund Recipient

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

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

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

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

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

E. Involuntary Termination of an Account with Penalty

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

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

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

F. Voluntary Termination of an Account

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

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

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

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

- i. the account owner, if the account owner is a natural person; or
- ii. the beneficiary's estate, if the account owner is a legal entity.

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

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

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

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

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

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

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

after the start of the next calendar year. Interest earned of \$3 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:

§313. Substitution, Assignment, and Transfer

A. - A.3. ...

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

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

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

i. - ii. ...

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

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

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

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

B. - C.5. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), repromulgated LR 26:2266 (October 2000), amended LR 27:1883 (November 2001), LR 28:780 (April 2002), LR 30:

§315. Miscellaneous Provisions

A. - H. ...

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

J. - R. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23: 718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 30:

Interested persons may submit written comments on the proposed changes until 4:30 p.m. on January 5, 2004, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Student Tuition and Revenue
Trust (START Saving) Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

These rules are required to implement Act 221 of the 2003 Regular Session of the Louisiana Legislature, which modify the Student Tuition Assistance and Revenue Trust (START) Program. This Act added new provisions under the categories of account owners and increased the State match percentage rate for contributions made by such owners. As such, the Act will likely increase Statutorily Dedicated expenditures from the Louisiana Student Tuition Assistance and Revenue Trust (START) Program's Savings Enhancement Fund by unknown amounts in future years.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No impact on revenue collections is anticipated to result from these rule changes.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Needy children will benefit from irrevocable donations to START accounts that will be matched by a state Earnings Enhancement. Account owners will be allowed to select investment options that may include equities. Investment in equities offers the potential for higher returns, and includes greater risk of loss.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No impact on competition and employment is anticipated to result from this rule.

George Badge Eldredge
General Counsel
0312#052

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Certified Solid Waste Operator
(LAC 46:XXIII.101, 105, 107, 109, 113, 307, 309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907, 909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509)(SW035)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Certified Solid Waste Operators regulations, LAC 46:XXIII.101, 105, 107, 109, 113, 307, 309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907,

909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509 (Log #SW035).

The proposed Rule amends definitions to be consistent with LAC 33:VII.Solid Waste regulations, clarifies requirements, deletes the classification for Solid Waste Management Facilities, renames the operator classifications, allows the Department of Environmental Quality to establish additional numbers and levels of operators at permitted facilities, amends requirements for certification, sets specific requirements for conditional certification, and formalizes procedures for revocation, modification, and suspension of certification. The regulations require updating at periodic intervals. These amendments will bring the regulations up-to-date. The basis and rationale for this proposed Rule are to update standards and requirements for operator certification.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXIII. Certified Solid Waste Operators

Chapter 1. General

§101. Authority

A. The Louisiana Solid Waste Operator Certification and Training Program Act, R.S. 37:3151 et seq., creates the Board of Certification and Training for Solid Waste Disposal System Operators and authorizes the board to adopt rules of procedure and establish fees for the certification of solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§105. Objectives

A. The objectives of these regulations are as follows:

1. to establish a certification program for operators of Type II, II-A, and III solid waste processing and disposal facilities which accommodate residential and commercial solid waste;

2. to develop procedures related to certification, recertification, and training of applicants to meet appropriate certification requirements;

3. to establish procedures for revocation, modification, or suspension of an operator's certification;

4. to establish appropriate fees for examination, certification, and recertification to be paid by the applicant; and

5. to encourage the certification of all Louisiana Department of Environmental Quality employees involved in the inspection and permitting of solid waste processing and disposal facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§107. Definitions

A. As used in these rules, the following words shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise.

Classify? repealed.

Commercial Solid Waste? all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.

Conditional Certification? allows an operator to operate only the facility at which he is employed at the time of certification for a period not to exceed six months.

Continuing Training? repealed.

Department? the Department of Environmental Quality, as created by R.S. 30:2001 et seq.

Regular Certification? allows an operator to operate any facility of the type for which the certificate is issued. Regular certificates are issued for a four-year period.

Solid Waste Management Facility (SWMF)? any facility classified under the solid waste management system including, but not limited to, nonhazardous solid waste landfills, landfarming operations, incinerators, transfer stations, non-industrial surface impoundments, construction and demolition debris facilities, and composting, refuse-derived, and separation facilities.

Training? the process whereby an operator obtains required formal instruction in the area of solid waste management.

Type II-A Facility? a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor).

Type III Facility? a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§109. Filing of Documents

A. Any notice, petition, document, or other correspondence that is required to be filed with the board shall be addressed and mailed or delivered to the Board of Certification and Training for Solid Waste Disposal System Operators at the Department of Environmental Quality, Office of Environmental Services.

B. The following requirements and rules shall apply to all documents and papers filed with the board or during a hearing or meeting.

1. The date on which the papers are actually received by the board or at the hearing shall be deemed to be the date of filing.

2. - 3. ...

4. All information regarding an applicant's qualifications shall be provided at least 30 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a board-prescribed application form. The form may be obtained from the Office of Environmental Services, Permits Division or from the internet at www.deq.state.la.us/misc/topics.stm, listed alphabetically under the letter "S."

5. Unless otherwise specifically provided by these rules, an original and 12 copies of all documents directed to the board shall be filed.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§113. Mandatory Provisions

A. Any SWMF that requires a permit, as determined by the department, shall be categorized in accordance with LAC 33:VII.507.

B. The certificates of all of a SWMF's certified operators shall be prominently displayed at the facility.

C. Certified operators are required at all Type II, II-A, and III SWMFs requiring a permit from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3155, and 3156.

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

Chapter 3. Board of Certification and Training for Solid Waste Disposal System Operators

§307. Hearings and Meetings

A. The board shall meet as often as necessary to conduct its business.

B - D.1.b. ...

2. Record. All such public hearings and meetings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. All evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer

conducts the hearing on behalf of the board, he shall prepare a report of the proceedings for the board.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§309. Board Records: Custodian

A. The secretary of the Department of Environmental Quality shall serve as the official custodian of all records of the board. All records of meeting notices, agendas, and other documents relating to the board shall be maintained in a central location within the Office of Environmental Services, Permits Division, Registrations and Certifications Section. All such records shall be available for public inspection in accordance with the provisions of appropriate state or federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 5. Prohibitions

§501. Operation of Facilities by Certified Personnel

A. No individual, municipality, parish, public or private corporation, partnership, firm, agency of the state, or the United States government, or any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§507. Incompetence

A. No person shall continue to operate a facility under a certification issued under these regulations if such person is unable to perform his duties in a proper manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

§511. Display of Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the

Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 7. Classification of Facilities

§701. Information Used to Classify Facilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§703. General Classifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§705. Further Classification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§707. Board's Discretion to Classify

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 9. Operator Certification

§901. Certificate

A. The board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste processing or disposal facility. A certificate, suitable for framing, shall be provided to each successful applicant by the board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the board. Louisiana Department of Environmental Quality employees involved in the inspection or permitting of a classified solid waste processing or disposal facility may be certified provided they meet the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3156.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the

Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§903. Mandatory Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

§905. Regular Certification Validity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

§907. Types of Certification

A. - A.1. ...

2. the level of complexity of SWMF operation.

B. The certification shall be either regular or conditional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

§909. Facility Designation

A. Each operator certification will be valid for the management of one type of facility. The classifications and sub-classifications of facilities shall be specified as follows:

1. Type II facilities:

- a. landfills;
- b. surface impoundments; and
- c. landfarms;

2. Type II-A facilities:

- a. incinerator waste-handling facilities;
- b. refuse-derived fuel facilities; and
- c. transfer stations;

3. Type III facilities:

- a. construction/demolition debris or woodwaste facilities;
- b. composting facilities; and
- c. separation facilities.

B. These regulations may be amended by the board to include other types of solid waste systems as they become subject to regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§911. Facility Types

A. Facilities are required, at a minimum, to have certified operators according to the following schedule.

1. Landfills

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

c. Each facility shall have at least one Level "C" operator for each 10 operational people during hours of operation. (Operational personnel does not include personnel solely conducting clerical duties.)

2. Surface Impoundments. Each surface impoundment shall have a Level "A" operator in responsible charge of the solid waste processing or disposal facility.

3. Landfarms, Incinerator Waste-Handling Facilities, Refuse-Derived Fuel Facilities, Transfer Stations, Construction/Demolition Debris or Woodwaste Facilities, Composting Facilities, and Separation Facilities

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

B. The department may determine additional numbers and levels of operators required at a particular facility, as specified in the permit, on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§912. Issuance of Certificates to Operators

A. Certificates issued to operators on or after [date of promulgation to be inserted] will correspond to the facility designations and levels of operator certification as defined in LAC 46:XXIII.909 and 913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§913. Levels of Operator Certification

A. Each certification shall specify the level of complexity of SWMF operation for which the certificate is issued. Levels of operator certification are hereby established as "A," "B," and "C." Level "A" represents the most comprehensive level of complexity; Level "B" is an

intermediate level of complexity; and Level "C" represents the least comprehensive level of complexity. Additional levels may be added by amendment to these regulations.

B. A Level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of an entire solid waste management facility and shall encompass both procedural and operational aspects of a processing or disposal facility (all technical, regulatory, administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility), according to the type of facility for which the applicant seeks certification.

C. A Level "B" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of a solid waste management facility as determined by assigned duties and customary practice, and operational knowledge needed to operate a processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and hazardous waste identification), according to the type of facility for which the applicant seeks certification.

D. A Level "C" certificate shall encompass the operational knowledge needed to operate a portion of the waste handling aspects of a processing or disposal facility (i.e., unloading and spotting; maintaining smallest practical working face; layering, compacting, covering, cleaning, and maintaining equipment; equipment operation; and special or hazardous waste identification), according to the type of facility for which the applicant seeks certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§915. Qualification Requirements

A. A Level "A" operator shall have the following qualifications for regular certification.

1. The operator must possess a high school diploma or equivalency certificate.

2. Experience Requirements. The operator must have:
a. a minimum of three years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management; or

b. a minimum of two years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management and an engineering degree; or

c. a minimum of two years of certification as a Level "B" operator.

3. The operator must be of good character.

B. A Level "B" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:
a. a minimum of two years of experience as described in LAC 46:XXIII.913.C in the field of solid waste management; or

b. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and a minimum of two years of experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and an engineering degree; or

d. a minimum of two years of certification as a Level "C" operator.

2. The operator must be of good character.

C. A Level "C" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:

a. a minimum of one year of experience as described in LAC 46:XXIII.913.D in the field of solid waste management; or

b. a minimum of one year of experience in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. an engineering degree.

2. The operator must be of good character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§916. Regular Certification

A. An applicant shall request consideration for certification upon the completion of the following requirements:

1. meet appropriate qualification requirements in LAC 46:XXIII.915;

2. submit an application to the board on a board-prescribed application form, which may be obtained from the Office of Environmental Services, Permits Division or from the internet at www.deq.state.la.us/misc/topics.stm, listed alphabetically under the letter "S";

3. receive board approval for certification and examination;

4. achieve a passing score on the examination for the appropriate level of operation; and

5. pay all fees associated with certification.

B. Regular certification shall allow an operator to operate any facility of the type for which the certificate is issued.

C. Regular certificates are issued for a four-year period.

D. Recertification shall be in accordance with LAC 46:XXIII.923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3159, and 3160.

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

§917. Conditional Certification

A. A conditional certificate shall allow an operator to operate only the facility at which he is employed at the time of certification.

B. Conditional certification requirements are as follows.

1. The applicant must request a conditional certification.

2. The board must determine that the applicant is qualified to perform duties at a particular facility.

3. The applicant must pass the operator examination and attend one board-approved training class (minimum of 10 hours) within six months.

C. The board may upgrade a conditional certification after receipt of an application and upon its determination that, based on the applicant's training, education, experience, and examination results, the applicant is qualified for regular certification.

D. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983, may be issued a conditional certificate upon application to the board and payment of the same fees as specified for regular certificates. Application for certification must be made within one year of replacement or succession and must specify the need for conditional certification. The term of such a conditional certificate shall not exceed six months. After receipt of such a conditional certificate, the applicant must take and pass the operator examination within six months and attend 10 hours of board-approved training. If the examination is passed, the applicant may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§919. Operator Examinations

A. An applicant for certification must pass an operator examination as provided in this Section.

B. ...

C. The board shall provide appropriate written examinations for each operator level of SWMFs.

D. ...

E. Notice of the examination shall be published prior to the examination in a method and fashion provided by the board.

F. ...

G. All examinations will be graded on a pass/fail basis.

H. Payment of the examination fee must be submitted before an examination may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended

by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§921. Certification of Present Practitioners

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§923. Recertification

A. Regular certificates shall be valid for four years after issuance. An operator may be recertified upon recommendation by the board for a new four-year period after timely submission of satisfactory evidence that the operator has met the training requirements as specified by LAC 46:XXIII.1103.C. Upon receipt of such evidence, the board shall issue a new certificate.

B. Application for recertification shall be submitted to the board on a board-prescribed form no sooner than six months prior to the expiration of the certification and no later than three months after expiration of the certification. The form may be obtained from the Office of Environmental Services, Permits Division or from the internet at www.deq.state.la.us/misc/topics.stm, listed alphabetically under the letter "S." The application shall contain the following documentation:

1. - 2. ...

C. Any operator whose certificate has expired for more than three months shall be treated as a new applicant. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new applicants.

D. Persons whose certificates have expired, but who make application no later than three months after the expiration date of the certificate, can be considered by the board for recertification; however, they will be required to pay the late recertification fee as provided in LAC 46:XXIII.1305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3160, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 11. Operator Training for Certification

§1101. Training

A. The content, frequency, and location of operator training shall be at the discretion of the board. Training may be modified or supplemented as needed at the discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June

1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1103. Responsibilities

A. The board shall:

1. approve training available to Louisiana operators, which may include short courses, workshops, etc., that meets the standards of the board;
2. determine whether its training requirements can be reasonably satisfied by the operators based on current educational offerings; and
3. provide a list of the available training that meets the requirements of these regulations upon request.

B. In the event that the board determines that adequate training is not reasonably available to the operators, it shall either:

1. promote or otherwise cause adequate training to be available; or
2. waive the training requirements in whole or in part.

C. Operator Responsibilities

1. In order to retain certification, operators must receive the number of contact training hours as set forth below during the four years after receiving certification or recertification.

- a. Level "A" and "B" operators shall receive no fewer than 40 contact training hours.
- b. Level "C" operators shall receive no fewer than 30 contact training hours.
- c. Level "A" surface impoundment operators shall receive no fewer than 20 contact training hours.

2. The operator is responsible for determining whether a specific training course has been approved by the board. To obtain approval of specific training not listed by the board, the applicant may submit a complete course outline, the date and the place of offering, and the name of the offering entity to the board for consideration.

3. The operator is responsible for obtaining and submitting, in a timely manner, to the board, in accordance with LAC 46:XXIII.923, adequate evidence of attendance. Such evidence may include, but is not limited to, educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course, with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157, R.S. 37:3158 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 13. Fees

§1303. Method of Payment

A. Fee payment shall be by check, draft, or money order made payable to the Board of Certification and Training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and

Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1307. Training Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

Chapter 15. Revocation, Modification, and Suspension of Certification

§1501. Revocation, Modification, and Suspension of Certification

A. The board may revoke, modify, or suspend an operator's certification, if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, or has been negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties.

B. Written Notice

1. When the board determines that an operator's certification should be suspended, modified, or revoked, the board shall notify that operator by certified mail. Such written notice shall contain the following:

- a. facts that will justify a suspension, modification, or revocation of certification;
- b. a description of the general nature of the evidence supporting the suspension, modification, or revocation; and
- c. a recommendation that the operator's certification be suspended, modified, or revoked, unless the operator, within 30 days after receipt of the notice, submits a request for a hearing before the board. The request for hearing shall be submitted to the Board of Certification and Training. A written statement providing the operator's view of the circumstances shall accompany the request for hearing.

2. If the operator does not mail a request for hearing and a statement of the circumstances within the time frame specified, the board shall recommend suspension for a specified period of time, modification, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1503. Immediate Suspension

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1505. Hearings

A. A hearing before the board on suspension, modification, or revocation shall proceed as follows.

1. At least 20 days prior to a hearing, the board shall provide the operator with a notice of the hearing. The notice shall be sent by certified mail and include the time, date, and location of the hearing.

2. The hearing shall be conducted summarily without observing all of the formalities associated with an adjudicatory hearing as defined in the Administrative Procedure Act, R.S. 49:951 et seq.

3. Within 90 days after conducting a hearing, the board shall forward its decision to the operator.

4. Upon receiving notice of suspension, modification, or revocation, an operator shall notify the owner/operator of the SWMF within 24 hours.

5. Judicial appeal from the board's decision may be taken in accordance with the Administrative Procedure Act, R.S. 49:951 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1507. Rule to Show Cause

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§1509. Record of Hearing

A. Record. The record of proceedings conducted under this Chapter shall consist of the following:

1. the certificate;
2. the notice of the hearing;
3. all documentary evidence and written comments received;
4. written recommendations received;
5. the decision; and
6. the transcript of the proceedings.

B. Transcript. Any hearing conducted under this Chapter shall be recorded, and a copy of the transcript made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:

A public hearing will be held on January 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral

comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW035. Such comments must be received no later than February 2, 2004, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to lynn.wilbanks@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW035.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.

Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Certified Solid Waste Operator

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings associated with the implementation of the proposed action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

An increase or decrease in revenues will not occur as a result of the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Current and future operators of solid waste management facilities will be directly affected by the proposed action, but not economically. The effects will be changes in obtaining their continuing education; new nomenclature and some changed requirements for their various levels of certifications and clarified procedures for disciplinary actions. However, there will be no costs and/or economic benefits as a result of the proposed action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment in the public or private sectors as a result of this proposed Rule.

James H. Brent, Ph.D.
Assistant Secretary
0312#062

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Confidential Information and Records
(LAC 33:I.Chapter 5)(OS050)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.501, 502, 503, 505, 507, 508, 509, and 511 (Log #OS050).

This revision clarifies the procedures for submission of information and records that meet the criteria for confidentiality under R.S. 30:2030 and the Louisiana Public Records Act, R.S. 44:1 et seq. This revision streamlines procedures by separating the types of submissions and what is required for department processing of each type. This revision also clarifies what information and records will and will not be available to the public in favor of maximum availability of non-confidential information. To achieve this goal, which is consistent with and required by the Louisiana Constitution, art. 7, §12, and art. 12, §3, as well as the Public Records Act, R.S. 44:31(B)(1), those members of the public who submit information and records for which they seek confidentiality must carefully delineate how the submission meets the criteria for confidentiality and segregate confidential from non-confidential information that does not meet the criteria for confidentiality. The amendment clarifies that the burden is on the submitter to provide everything necessary for the department to determine whether confidentiality may be granted. The amendment also reduces the burden on the submitter for purely financial information/records submissions; this change will allow streamlined department processing for this category of submissions. This amendment to restructure and clarify the procedures for various types of confidentiality submissions is required based upon the department's experience with submissions under the current regulations. The basis and rationale for this rule are two-fold. The basis is the need for increased compliance with department requirements for submission of items for which confidentiality is requested and the need for certainty whether each individual item submitted will or will not be available to the public in some form. The rationale is that while certain information or records may meet the criteria for confidentiality, the law requires that, to the extent possible, confidential information be separated so that the public may have access to the non-confidential information.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures Chapter 5. Confidential Information Regulations

§501. Scope

A. Department of Environmental Quality information and records obtained under the Louisiana Environmental Quality Act, or by any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public, unless confidentiality is requested in writing and the information or records are determined by the department to require confidentiality.

B. Unless otherwise provided by law or regulation, information or records may be classified as confidential if the secretary makes a written determination that confidentiality is necessary to:

1. prevent impairment of an ongoing investigation;
2. prevent prejudice to the final decision regarding a violation;
3. protect trade secrets;
4. protect proprietary secrets;
5. protect commercial or financial information; or
6. comply with federal or state law or regulation or a valid court order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:

§502. Definitions

Administrative Authority—repealed.

Air Emission Data—any information necessary or used to determine or calculate the identity, amount, frequency, concentration, or other characteristic of any emission or discharge that has been emitted or discharged by a source; or any information necessary or used to determine or calculate the identity, amount, frequency, concentration, or other characteristic of an emission that, under an applicable standard or limitation, a source was authorized to emit or discharge including, to the extent necessary to identify the source and to distinguish it from other sources, a description of the device, installation, or operation constituting the source. This includes the calculation of an “allowable” emission limit for a permit.

Complete—in reference to a request for confidentiality of information or records, the request contains everything necessary for a determination to be made. Designating a request complete does not preclude the department from requesting or accepting an amended request.

Financial Request—a single character request that contains financial information or records only. This includes, but is not limited to, financial accounts statements, gross revenues statements, profit and loss statements, projected revenues statements, tax returns, financial/accounting statements, and financial audit documentation/reports.

Mixed Character Record—a record submitted as part of a request for confidentiality that, in addition to information that meets the criteria for confidentiality specified by law, also contains information that either does not meet the criteria for confidentiality specified by law or is prohibited by law or regulation from being classified as confidential.

Mixed Character Request—a request for confidentiality that contains one or more mixed character records.

Single Character Request—a request for confidentiality that contains only information or records that meet the criteria for confidentiality specified by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:

§503. Requests for Confidentiality

A. Each request for confidentiality shall include all of the following:

1. a statement whether the request for confidentiality is a single character request, a mixed character request, or a financial request;

2. a list or an index identifying each separate record, category of records, or item of information and stating the legal authority under which each separate record or item of information may be determined to require confidentiality;

3. a statement of the measures taken to guard against undesired disclosure to others of each record or item of information;

4. a statement of the extent to which the information or records have been disclosed to others and the precautions taken in connection therewith;

5. a statement whether disclosure of the information or records would be likely to result in substantial harmful effects in the competitive market and, if so:

a. a statement of what those effects would be;

b. a statement of why they should be viewed as substantial; and

c. an explanation of the causal relationship between disclosure and such harmful effects for each record or item of information;

6. a statement whether any previous request for confidentiality has been made to any government agency for the same information or records and, if so, the date of the request and its disposition; and

7. a certification that all statements are true and correct to the best of the requester's knowledge.

B. Each request shall be submitted with two versions of the information or records; one version to be clearly marked "confidential," and the other to be clearly marked "public."

1. The confidential version is to show all information and must clearly indicate what confidential information is excised from the public version.

2. The public version is to have the confidential information excised and must clearly show that confidential information has been excised.

3. Blacking out confidential portions of otherwise public records is permissible, provided that the blacked-out portions are clearly identified in both confidential and public versions.

C. A financial request is not required to comply with the provisions of Paragraphs A.2-5 of this Section.

D. A single character request shall include a certification that no record or item of information is contained in the request that:

1. fails to meet the criteria for confidentiality specified by law; or

2. is prohibited by law or regulation from being classified as confidential.

E. Specific categories of information that are prohibited from being classified as confidential include:

1. air emission data;

2. any permit or portion of a permit issued to a source in accordance with LAC 33:III.507;

3. effluent and discharge data to surface water and groundwater;

4. the location and identification of any buried waste;

5. the name and address of any license, registration, or permit applicant or permittee;

6. all NPDES, LPDES, and other water discharge permit applications or permits and information required by LPDES application forms, including information submitted on the forms and any attachments used to supply information required by the forms;

7. any other information required by law or regulation to be disclosed or made available to the public; and

8. any other information for which a claim of confidentiality is prohibited by law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§505. Responses to Requests for Confidentiality

A. The department shall make a determination and send a written response to the requester by certified mail within a reasonable time from receipt of a complete request for confidentiality, except for those requests made in accordance with R.S. 30:2074(D), in which case the department shall send a written response by certified mail within 21 working days from receipt of a complete request for confidentiality.

B. The department's determination shall become final unless, no later than 30 days after receipt of the written determination, the requester files a written request for a hearing.

C. Information or records for which a complete confidentiality request has been submitted shall be held confidential until the department's determination becomes final. Departmental employees, other than those charged with assessing the request for confidentiality, shall not be given access to such information or records, even if necessary for the performance of their jobs, until the department's determination as to confidentiality becomes final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§507. Accessibility

A. If a request for confidentiality is granted, such confidentiality shall not prevent the necessary use of the information or records by department employees or duly authorized officers or employees of local, state, or federal governments in carrying out their responsibilities under law. The secretary or the secretary's designee must duly authorize any officer or employee of local, state, or federal government who seeks access to confidential information or records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030 and 30:2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§508. Maintenance of Confidential Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§509. Release of Confidential Information or Records

A. Information or records that are declared confidential to prevent impairment of an ongoing investigation or prejudice to the final decision regarding a violation will be made available for public inspection upon conclusion of the investigation or rendition of the final decision regarding a violation.

B. All other information or records that are declared confidential are subject to public disclosure three years from the date of determination of confidentiality, unless a complete request for continuance of confidentiality is received no later than 180 days prior to the expiration of the three-year period.

C. The submitter of information or records or the submitter's successor or assignee shall notify the secretary, by authentic act, of any information or record that is no longer considered to be confidential and shall release the secretary from any responsibility with regard to any claim of confidentiality concerning that record or information.

D. Renewal of a grant of confidentiality is at the discretion of the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

§511. Disclosure of Confidential Records or Information

A. Any employee or former employee of the department or anyone acting as a representative of the secretary of the department who is convicted of intentional disclosure or conspiracy to disclose trade secrets or other information that

has been determined to be confidential is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000, imprisonment for up to one year, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

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

A public hearing will be held on January 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS050. Such comments must be received no later than February 2, 2004, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to lynn.wilbanks@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS050.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Confidential Information and Records

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units for this proposed Rule.

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 as a result of this Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs to directly-affected persons or non-governmental groups as a result of this Rule. The public will be better informed and have a greater understanding of the process

for requesting confidentiality of records or information submitted to the department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule will have no effect on competition or employment.

James H. Brent, PhD.
Assistant Secretary
0312#061

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Toxicity Equivalency (TEQ) Concept in Dioxin Criteria
(LAC 33:IX.1113)(WQ052)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1113 (Log #WQ052).

The proposed Rule incorporates the toxicity equivalency (TEQ) concept by using toxicity equivalency factors (TEFs). The TEQ concept is used to estimate the risks associated with exposure to chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (CDD/CDF), as well as 2,3,7,8-TCDD. This procedure uses a set of derived TEFs to convert the concentration of any CDD/CDF congener into an equivalent concentration of 2,3,7,8-TCDD. This action is required to more accurately estimate human health risks associated with exposure to dioxin and dioxin-like compounds. Current recommendations from both the Environmental Protection Agency (EPA) and the World Health Organization (WHO) incorporate the TEQ concept as a better estimate of risk than using dioxin. The basis and rationale for the proposed rule are to protect human health. The EPA is encouraging states to adopt the TEQ guidelines proposed by WHO, as these recommendations reflect current scientific thinking. Adoption of the TEQ concept will enable the department to better fulfill its mission of maintaining a healthful environment for the public.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality**

**Chapter 11. Surface Water Quality Standards
§1113. Criteria**

A. - C.6.f. ...

Table 1 Numerical Criteria for Specific Toxic Substances (In micrograms per liter (µg/L) or parts per billion (ppb) unless designated otherwise)						
Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Freshwater		Marine Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic		

Other Organics						
Chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (TEQ) ¹²	--	--	--	--	0.71 ppq ^y	0.72 ppq
Metals and Inorganics						

Footnotes 1 - 11 ...

¹²The dioxin toxicity equivalency (TEQ) concentration is obtained by multiplying each congener's toxicity equivalency factor (TEF) times its respective concentration and then taking the sum of all calculated values.

Congener	TEF
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1
1,2,3,7,8-Pentachlorodibenzo-p-dioxin	1
1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	0.01
Octachlorodibenzo-p-dioxin	0.0001
2,3,7,8-Tetrachlorodibenzofuran	0.1
1,2,3,7,8-Pentachlorodibenzofuran	0.05
2,3,4,7,8-Pentachlorodibenzofuran	0.5
1,2,3,4,7,8-Hexachlorodibenzofuran	0.1
1,2,3,6,7,8-Hexachlorodibenzofuran	0.1
1,2,3,7,8,9-Hexachlorodibenzofuran	0.1
2,3,4,6,7,8-Hexachlorodibenzofuran	0.1
1,2,3,4,6,7,8-Heptachlorodibenzofuran	0.01
1,2,3,4,7,8,9-Heptachlorodibenzofuran	0.01
Octachlorodibenzofuran	0.0001

Table 1A - Footnote d ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:

A public hearing will be held on January 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals

with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ052. Such comments must be received no later than February 2, 2004, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to lynn.wilbanks@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ052.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Toxicity Equivalency (TEQ)
Concept in Dioxin Criteria**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No significant effect of this proposed rule on state or local governmental expenditures is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No significant effect on state or local governmental revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No significant costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No significant effect on competition or employment is anticipated.

James H. Brent, Ph.D.
Assistant Secretary
0312#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**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") gives notice that rule making procedures have been initiated for the amendment of 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 proposed 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 offering architectural services to the public shall be registered with the board as a branch office and shall either (a) have an architect resident and regularly employed in that office, or (b) 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 29:574 (April 2003); amended LR 30:

Interested persons may submit written comments on this proposed Rule to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue., Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Rules of Conduct**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no estimated implementation costs (savings) to state or local governmental units associated with this proposed Rule.
- 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 associated with this proposed Rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
A few architectural firms may be affected by this proposed Rule. Specifically, an architectural firm that opens a branch office which does not have a resident architect who is employed regularly in that branch office may incur an economic benefit in the form of increased market share in the geographical area of that branch office. At the same time, such a firm will incur the increased costs of having a designated registrant visit and supervise that branch office, as well as the increased overhead and other costs associated with operating any office. In the opinion of the board, such economic benefit, additional cost, and increased market share will vary with each firm and location and are impossible to reasonably calculate.
Other architectural firms in that geographical area may be impacted by decreased market share, but the board anticipates that any such decreased share will have no significant impact upon those firms or on the costs of architectural services in that area.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This Rule may lead to increased competition between architectural firms. Nonetheless, the board does not anticipate that the increased competition will have a significant effect on employment or on the costs of architectural services.

Mary "Teeny" Simmons
Executive Director
0312#064

H. Gordon Monk
Staff Director
Legislative Fiscal Office

**NOTICE OF INTENT
Office of the Governor
Used Motor Vehicle and Parts Commission**

Licensing Used Motor Vehicle Dealers
(LAC 46:V.2901, 2905, 4401 and 4403)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with Revised Statutes Title 32, Chapters 4A and 4B, the Office of the Governor, Used Motor Vehicle and Parts Commission, notice is hereby given that the Used Motor Vehicle and Parts

Commission proposes to amend rules and regulations governing dealers to be licensed in accordance with R.S. 32:773, garage liability insurance policy in accordance with R.S. 32:774:I(1) and educational seminars in accordance with R.S. 32: 774B.(3)(b)(i)(ii)(iii)(iv).

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part V. Automotive Industry
Subpart 2. Used Motor Vehicle and Parts Commission
Chapter 29. USED MOTOR VEHICLE DEALER
§2901. Dealers to be Licensed**

- A. ...
- B. Dealers in new and used motor homes, new and used semi-trailers, new and used motorcycles, new and used all-terrain vehicles, new and used recreational trailers, new and used boat trailers, and new and used travel trailers, new and used boats, new and used boat motors, daily rentals not of current year or immediate prior year models that have been titled previously to an alternate purchaser, manufacturers and distributors and other types subject to certificate of title law and Title 32 and/or Vehicle Registration Tax Number under Title 47. All new and unused vehicle dealers and other dealers licensed by the Louisiana Used Motor Vehicle and Parts Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:773(B).

HISTORICAL NOTE: Promulgated by Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended by the Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 24:1682 (September 1998), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission LR 30:

§2905. Qualifications and Eligibility for Licensure

A. The commission, in determining, the qualifications and eligibility of an applicant for a dealer's license, will base its determinations upon the following factors:

- 1 ...
- 2. All dealers are required to keep in force a garage liability insurance policy on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of the state. For those dealers who, in addition to selling vehicles, conduct the business of daily vehicle rentals, a separate renter's policy must be in effect.

B. - D. ...

E. Dealers in new and used motor homes, new and used boats, new and used boat motors, new and used motorcycles, new and used all-terrain vehicles, new and used semi-trailers, new and used recreational trailers, new and used boat trailers, and new and used travel trailers, likewise must meet the above qualifications to be eligible and all these types license numbers will be prefixed by NM, followed by a four digit number then current year of license (NM-0000-98). Semi-trailers are described in the title law as every single vehicle without motive of power designed for carrying property and passengers and so designed in conjunction and used with a motor vehicle that some part of its own weight and that its own load rests or is carried by another vehicle and having one or more load carrying axles.

This includes, of course, recreational trailers, boat trailers and travel trailers, but excludes mobile homes. One license shall be due for new and used operators at the same location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR11:1062(November 1985), amended by Department of Economic Development, Used Motor Vehicle and Parts Commission, LR 15:258 (April 1989), amended LR 15:375 (May 1989), LR 24:1682 (September 1998), LR 25:245 (February 1999), amended by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 30:

Chapter 44. Educational Seminar

§4401. Required Attendance

A. On or after January 1, 2005, every applicant for a used motor vehicle dealer's license must attend a four-hour educational seminar approved and conducted by the Used Motor Vehicle and Parts Commission.

1. - 3. ...

4. Any dealers who are found guilty of violations of commission laws and/or rules and regulations will be required to attend.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:774B.(3)(b)(i)-(iv).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 23:2351 (November 2002), amended LR 30:

§4403. Certification

A. Upon applying for a 2005 used motor vehicle dealer's license, the applicant must attach a copy of the certificate of completion which documents that the dealership's general manager, office manager, title clerk, or other responsible representative of the dealership has attended the four-hour educational seminar. If the applicant has not completed the educational seminar, he must provide evidence that he has registered to attend such seminar within 60 days after issuance of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:774.B (3)(b)(i)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Used Motor Vehicle and Parts Commission, LR 23:2351 (November 2002), amended LR 30:

Family Impact Statement

The proposed Rules of the Louisiana Used Motor Vehicle and Parts Commission should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rules.

Interested persons may submit written comments no later than 4:30 p.m. on January 21, 2004 to John M. Torrance,

Executive Director, 3132 Valley Creek Drive, Baton Rouge, LA 70808, (225) 925-3870.

John M. Torrance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing Used Motor Vehicle Dealers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs to state or local governmental units regarding the removal of new buses, new fire trucks and new wreckers from the rules regulations or requiring used motor vehicle dealers to maintain a garage liability policy for all vehicles offered for sale or trade.

There will be no implementation costs to state or local governmental units regarding the amendments to the rules and regulations as a result of legislative changes. The four hour educational seminars, which became effective January 1, 2003, were already in place for any dealer or representative of a newly formed dealer operation. The amendment will cost the state for materials given to approximately 4000 dealers that existed prior to January 1, 2003. The one time costs for materials is approximately \$47,264.00. The office operates on self-generated funds and the funds are available.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Louisiana Used Motor Vehicle and Parts Commission was affected by the removal of the new buses, new fire trucks and new wreckers. These dealers were transferred to the Louisiana Motor Vehicle Commission for licensure. Revenues to the Louisiana Used Motor Vehicle and Parts Commission were affected by approximately \$2,340.00 per fiscal year. However, state or local revenues will not be affected by the amendments to the rules and regulations requiring all licensed used motor vehicle dealers to maintain a garage liability policy for vehicles offered "for sale" or for presenting the four hour educational seminar to all dealers that existed prior to January 1, 2003.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will not be any costs or economic benefits in relation to the matters of the removal of new buses, new fire trucks and new wreckers from the jurisdiction of the Louisiana Used Motor Vehicle and Parts Commission or for existing used motor vehicle dealers to attend the four hour educational seminar. There will be significant liability costs to the dealer in relation to keeping in force a garage liability policy that will provide coverage for all vehicles offered "for sale" or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial liability law. The liability cost to the individual dealer is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The amendments mandated by 2003 legislation will not impact competition and employment in the public or private sector.

John M. Torrance
Executive Director
0312#030

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Licensed Professional Vocational Rehabilitation
Counselors Board of Examiners**

Licensing and Advisory Opinions
(LAC 46:LXXXVI.703 and Chapter 18)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners pursuant to the authority vested in it by R.S. 37:3445 intends to amend the Professional and Occupational Standards pertaining to Vocational Rehabilitation Counselors in order to provide for the requirements for licensing, and to add Chapter 18 to provide for advisory ethics opinions. The proposed amendments to the Rules are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part LXXXVI. Vocational Rehabilitation Counselors
Chapter 7. Requirements for Licensure and Renewal
of License**

§703. Requirements

A. - A.4. ...

5. has received a master's degree in vocational rehabilitation counseling or related field and two years of experience under the direct supervision of a licensed vocational rehabilitation counselor. Such two year period of supervision must be completed within three years of the date the written proposal for such supervision is submitted to the board in accordance with §703.B.15. An applicant may subtract one year of the required professional experience for successfully completing Ph.D. requirements in a rehabilitation counseling program acceptable to the board. In order to meet the requirements of licensure, one must have a degree in vocational rehabilitation counseling or an approved related degree as listed in Section A below.

Section A	
Clinical or Counseling Psychology	
Professional Guidance and Counseling	
Rehabilitation Studies (O.T. and P.T. excluded)	
Special Education (as determined by the board)	

a. The board will consider as a feasible alternative to a vocational rehabilitation degree, a related degree as listed in Section A which includes 42 hours of qualifying courses from an accredited college or university which meet the academic and training content established by the board and listed in Section B below. Both Section A and Section B are at the discretion of the board.

Section B	Hours
Orientation of Vocational Rehabilitation	3
Statistics	3
Medical and/or Psycho-Social Terminology of Disabilities Relative to Vocational Performance	3
Psychological and Social Effects of Disabilities	3
Tests and Measurements	3
Occupational Information and/or Job Placement and Job Development	3

Analysis of the Individual	3
Theories of Personality	3
Theories and Techniques of Counseling	6
Demonstrations and Practice of Counseling	3
Field Work or Practicum	9-12
Psychiatric Disorders and/or Substance Abuse	3
Vocational Analysis or Assessment of Persons with Disabilities	3
Introduction to Psychology	3
Abnormal Psychology	3
Introduction to Sociology	3
Developmental Psychology (Adult or Adolescent)	3
Ethics of Counseling	3
	66

b. A candidate for licensure must have 42 of the 66 hours enumerated, completing each course with a "C" or better. Any substitutions of similar course work will be limited and at the discretion of the board. As of July 20, 1996, anyone possessing an unrelated degree, not specific in the above text, will not be accepted even if they pursue additional course work. Should they obtain an additional degree in the related areas as specified in Section A above, this will be considered.

6. The board shall issue a license to each applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:3447 and who furnishes satisfactory evidence to the board that he has met the requirements of Paragraphs A.1 through A.4 and has a bachelor's degree in vocational rehabilitation counseling or related field as defined in Paragraph 703.A.5 and five years of work experience working under the direct supervision of a licensed vocational rehabilitation counselor which period of supervision began prior to September 1, 2004. Such five year period of supervision must be completed within six years of the date the written proposal for such supervision is submitted to the board in accordance with Paragraph 703.B.15. Except as provided in this Paragraph 703.A.6, after September 1, 2009 no license shall be issued to any applicant not meeting the requirements of Paragraphs 703.A.1. - 5.

B.15.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 19:1570 (December 1993), LR 22:582 (July 1996), LR 30:

**Chapter 18. Guidelines for Requesting Advisory
Opinions From LLPVRC's Ethics
Committee**

§1800. General

A. Consistent with the intent of the Louisiana Licensed Professional Vocational Rehabilitation Counselors (LLPVRC) Code of Professional Ethics for Licensed Rehabilitation Counselors, the LLPVRC Ethics Committee recommends that licensed rehabilitation counselors who are considering seeking advisory opinions first consult with other rehabilitation counselors and colleagues who are knowledgeable about ethics in order to attempt to resolve questions that may easily be addressed by other

knowledgeable parties. If these attempts do not result in resolution of the matter, individuals may request advisory opinions from the LLPVRC Ethics Committee.

B. The Committee provides advisory opinions on selected situations having ethical implications. These advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the Committee. Therefore, it should not be construed as direct advice regarding the unique or specific ethical or legal action recommendations that should be followed regarding the issues raised. The considerations described by the Committee's advisory opinion should be regarded only as general educational assistance and not as specific direction in any particular instance.

C. Requests should not be filed if there is reason to believe that a violation of the Code has occurred. Those attempting to determine if alleged behavior violates the Code may receive a response to a request for an advisory opinion that may later appear to contradict a ruling made if a complaint is actually filed. This possible incongruity might be due to the fact that advisory opinions do not allow for full disclosure of all available information in the matter.

D. Information presented in a request for an advisory opinion and the Committee's response to that ruling may be presented for educational purposes to other parties in a sanitized format.

E. LLPVRC's Ethics Committee meets four times per year. Requests received will be scheduled for review at the next scheduled meeting of the Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3445.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:

§1801. Requesting an Advisory Opinion

A. Requests should be clear and concise and should include both the scenario and the requestor's opinion as to the Standard(s) in the LLPVRC Code of Professional Ethics for Licensed Rehabilitation Counselors that relate to the matter as well as the requestor's interpretation of how to apply the Standard(s) to the scenario. Further, if the requestor is a LRC, the request should advise as to the results of consultation with other rehabilitation counselors and colleagues.

B. Requests should be sent in writing to Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, P.O. Box 41594, Baton Rouge, LA 70835-1594, Attn: Ethics Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:

Family Impact Statement

The Licensed Professional Vocational Rehabilitation Counselors Board of Examiners hereby issues this Family Impact Statement: The proposed Rule related to the Board's licensing authority will have no known impact on family formation, stability, and autonomy, as set forth in R.S.49:972.

The proposed action of the Licensed Professional Vocational Rehabilitation Counselors Board of Examiners

complies with the statutory law administered by the board, R.S. 37:3441-3452. A preamble has been prepared with respect to the change in the educational requirements for licensing. A copy may be obtained from the office of the Licensed Professional Vocational Rehabilitation Counselors Board of Examiners at the address set forth hereafter and interested persons may submit written comments on the proposed Rules to Carla Seyler, P.O. Box 41594, Baton Rouge, LA 70835 or by FAX at 225-922-1352 who will be responsible for responding to inquiries concerning this proposed action. The deadline for receipt of all written comments is 4:30 p.m. on February 10, 2004.

Carla Seyler
Chairperson

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing and Advisory Opinions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only implementation cost is the estimated \$875.00 cost of preparation and publishing the rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no decrease or increase in revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Individuals engaged in activities which require a license pursuant to these rules who are not currently licensed may experience some increased educational expenditures as required by the licensing procedure in order to obtain a license. These requirements are being phased in and will not become fully applicable for five years which allows ample time for those expecting to seek a license to plan for their educational requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the public and private sectors. While those not possessing a masters degree will be unable to obtain a license under the new rule once fully implemented, those who could become licensed under the old rule should be fully capable of obtaining a masters degree instead of meeting the longer supervision requirements for those with bachelors degrees.

Stephen W. Glusman
General Counsel
0312#073

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Licensed Professional Vocational Rehabilitation Counselors Board of Examiners

Licensing Fees
(LAC 46:LXXXVI.901)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act. R.S. 49:950 et seq., that the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners pursuant to

the authority vested in it by R.S. 37:3445 intends to amend the Professional and Occupational Standards pertaining to Vocational Rehabilitation Counselors in order to provide for fees to be charged for licensing. The proposed amendments to the rules are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXVI. Vocational Rehabilitation Counselors

Chapter 9. Fees

§901. General

- A. The board shall collect the following fees.
- | | |
|---|--------|
| 1. Application, license and seal | \$ 200 |
| 2. Renewal of license | \$ 100 |
| 3. Written Examination | \$ 100 |
| 4. Reissuance for lost or destroyed license | \$ 50 |

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3441-3452 and 36:478(I).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 15:277 (April 1989), amended by the Department of Health and Hospitals, Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, LR 30:

Family Impact Statement

The Licensed Professional Vocational Rehabilitation Counselors Board of Examiners hereby issues this Family Impact Statement: The proposed Rule related to the Board's licensing authority will have no known impact on family formation, stability, and autonomy, as set forth in R.S.49:972.

The proposed action of the Licensed Professional Vocational Rehabilitation Counselors Board of Examiners complies with the statutory law administered by the board, R.S. 37:3441-3452. No preamble has been prepared with respect to the change in the fees to be charged for licensing. Interested persons may submit written comments on the proposed Rules to Carla Seyler at P.O. Box 41594 Baton Rouge, LA 70835 or by FAX at 225-922-1352 who will be responsible for responding to inquiries concerning this proposed action. The deadline for receipt of all written comments is 4:30 p.m. on February 10, 2004.

Carla Seyler
Chairperson

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Licensing Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only implementation cost is the estimated \$750 cost of preparation and publishing the rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be an increase in revenues of approximately \$24,000 for FY 04 and subsequent fiscal years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will increase fees for licensed professional rehabilitation counselors from \$100 to \$200 for application, license, and seal; from \$50 to \$100 for renewal;

and add a fee of \$100 for written examinations. Individuals engaged in activities which require a license, approximately 400, pursuant to these rules may experience an increase in expenditures as a result of increased fees charged for licensing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the public and private sectors.

Stephen W. Glusman
General Counsel
0312#074

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Adult Denture Program
Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage under the Medicaid Program for dentures and denture related services rendered to recipients who are 21 years of age and older. As a result of the allocation of additional funds by the legislature during the 2000 Second Extraordinary Session, the bureau increased the reimbursement fees for certain designated denture procedures. In addition, the bureau established requirements for unique identification information to be processed into all new removable dental prosthetics reimbursed under the Medicaid Program (*Louisiana Register*, Volume 27, Number 8). As a result of the allocation of additional funds by the legislature during the 2003 Regular Session, the bureau promulgated an Emergency Rule to increase the reimbursement fees for certain denture procedures (*Louisiana Register*, Volume 29, Number 7). The bureau now proposes to promulgate a Rule to continue the provisions contained in the August 1, 2003 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the following reimbursement fees for certain designated procedures in the Adult Denture Program.

Procedure Code	Description	Fee
D0150	Comprehensive Oral Exam – Adult	\$20
D5110	Complete Denture, Maxillary	\$495
D5120	Complete Denture, Mandibular	\$495

D5130	Immediate Complete Denture, Maxillary	\$495
D5140	Immediate Complete Denture, Mandibular	\$495
D5211	Partial Denture, Resin Base, Maxillary	\$470
D5212	Partial Denture, Resin Base, Mandibular	\$470
D5510	Repair Complete Broken Denture Base	\$100
D5520	Repair Missing or Broken Teeth-Complete Denture, Per Tooth	\$52/\$26*
D5610	Repair Resin Denture Base, Partial Denture	\$100
D5630	Repair or Replace Broken Clasp, Partial Denture	\$95
D5640	Replace Broken Teeth, Partial Denture, Per Tooth	\$52/\$26*
D5650	Add Tooth to Existing Partial Denture	\$52/\$26*
D5660	Add Clasp to Existing Partial Denture	\$95
D5750	Reline Complete Maxillary Denture (Lab)	\$238
D5751	Reline Complete Mandibular Denture (Lab)	\$238
D5760	Reline Maxillary Partial Denture (Lab)	\$208
D5761	Reline Mandibular Partial Denture (Lab)	\$208

*the rate for each subsequent tooth in the same arch

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Adult Denture
Program? Reimbursement Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$99,629 for SF Y 2003-2004, \$123,015 for SFY 2004-2005 and \$126,707 for FY 2005-2006. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$250,284 for SFY 2003-2004, \$309,225 for SFY 2004-2005 and \$318,501 for SFY 2005-2006. \$102 is included in SFY 2003-2004 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule will increase reimbursement fees for certain adult denture procedures (approximately 18 codes with increases ranging from \$2 to \$45 per procedure). It is

anticipated that implementation of this proposed Rule will increase expenditures for adult denture services by \$349,709 for SFY 2003-2004, \$432,240 for SFY 2004-2005, and \$445,208 for SFY 2005-2006.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this Rule will not have an effect on competition and employment.

Ben A. Bearden
Director
0312#087

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Home Health Services? Medical Necessity Criteria
(LAC 50:XIX.Chapters 1-5)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:Chapters 1-5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule establishing homebound criteria for the provision of home health services under the Medicaid Program (*Louisiana Register, Volume 22, Number 3*). This Rule was subsequently amended to clarify that all three components of the homebound criteria must be met in order for a recipient to be considered for home health services (*Louisiana Register, Volume 23, Number 9*). The bureau later amended the March 20, 1996 Rule to include coverage of occupational and speech therapies under the Home Health Program and to establish new rates for home health rehabilitation services that are the same as the rates paid for outpatient hospital rehabilitation services (*Louisiana Register, Volume 27, Number 5*). The bureau now proposes to repeal the March 20, 1996 and September 20, 1997 Rules and establish medical necessity criteria for home health services in compliance with a clarification in the Centers for Medicare and Medicaid Services guidelines. In addition, the Bureau proposes to establish medical necessity criteria for home health services rendered to infants and toddlers. The Bureau also proposes to promulgate the longstanding general provisions and service limitations governing home health services.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning as described in R.S. 49:972 as it will facilitate access to home health services and alleviate the need for frequent hospital admissions.

Title 50
PUBLIC HEALTH? MEDICAL ASSISTANCE

Part XIX. Other Services

Subpart 1. Home Health

Chapter 1. General Provisions

§101. Definitions

A. The following words and terms, when used in this Subpart 1, shall have the following meanings, unless the context clearly indicates otherwise:

Home Health Aide Services? direct care services to assist in the treatment of the patient's illness or injury provided under the supervision of a registered nurse and in compliance with the standards of nursing practice governing delegation, including assistance with the activities of daily living such as mobility, transferring, walking, grooming, bathing, dressing or undressing, eating, or toileting.

Home Health Services? patient care services provided in the patient's home under the order of a physician that are necessary for the diagnosis and treatment of the patient's illness or injury, including one or more of the following services:

- a. skilled nursing;
- b. physical therapy;
- c. speech-language therapy;
- d. occupational therapy;
- e. home health aide services; or
- f. medical supplies, equipment and appliances

suitable for use in the home.

Note: Medical supplies, equipment and appliances for home health are reimbursed through the Durable Medical Equipment Program and must be prior authorized.

Occupational Therapy Services? medically prescribed treatment to improve or restore a function which has been impaired by illness or injury or, when the function has been permanently lost or reduced by illness or injury, to improve the individual's ability to perform those tasks required for independent functioning.

Physical Therapy Services? rehabilitative services necessary for the treatment of the patient's illness or injury or, restoration and maintenance of function affected by the patient's illness or injury. These services are provided with the expectation, based on the physician's assessment of the patient's rehabilitative potential, that:

- a. the patient's condition will improve materially within a reasonable and generally predictable period of time; or
- b. the services are necessary for the establishment of a safe and effective maintenance program.

Skilled Nursing Services? nursing services provided on a part-time or intermittent basis by a registered nurse or licensed practical nurse that are necessary for the diagnosis and treatment of a patient's illness or injury. These services shall be consistent with:

- a. established Medicaid policy;
- b. the nature and severity of the recipient's illness or injury;
- c. the particular medical needs of the patient; and
- d. the accepted standards of medical and nursing practice.

Speech-Language Therapy Services? those services necessary for the diagnosis and treatment of speech and

language disorders that result in communication disabilities, and for the diagnosis and treatment of swallowing disorders (dysphagia), regardless of a communication disability.

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:

§103. Requirements for Home Health Services

A. Home health services shall be based on an expectation that the care and services are medically reasonable and appropriate for the treatment of an illness or injury, and that the services can be performed adequately by the agency in the recipient's place of residence. A written plan of care for services shall be evaluated and signed by the physician every 60 days. This plan of care shall be maintained in the recipient's medical records by the home health agency.

B. Medicaid recipients who are linked to a CommunityCare primary care physician (PCP) must have a referral from the PCP for home health 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:

§105. Provider Responsibilities

A. Home health agencies must comply with the following requirements as condition for participation in the Medicaid Program.

1. The home health agency must provide to the Bureau, upon request, the supporting documentation verifying that the recipient meets the medical necessity criteria for services.

2. Home health services shall be terminated when the goals outlined in the plan of care have been achieved, regardless of the number of days or visits that have been approved.

3. The home health agency must ensure that the family is instructed on a home maintenance exercise program which has been established by the treating physical therapist.

4. The home health agency shall discharge a patient once it has been determined that the patient or his/her legally responsible caregiver is noncompliant with the treatment regimen, keeping medical appointments and/or assisting with medication compliance and med-pack setups.

5. The home health agency must report complaints and suspected cases of abuse or neglect of a home health recipient to the appropriate authorities if the agency has knowledge that a minor child, a non-consenting adult or a mentally incompetent adult has been abused or is not receiving proper medical care due to neglect or lack of cooperation on the part of the legal guardians or caretakers. This includes knowledge that a recipient is routinely taken out of the home by a legal guardian or caretaker against medical advice or when it is obviously medically contraindicated.

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:

Chapter 3. Medical Necessity

§301. General Provisions

A. Medical necessity for home health services is determined by the recipient's illness and/or injury and functional limitations. All home health services shall be medically reasonable and appropriate. To be considered medically reasonable and appropriate, the care must be necessary to prevent further deterioration of a recipient's condition regardless of whether the illness or injury is acute, chronic or terminal. The services must be reasonably determined to:

1. diagnose, cure, correct or ameliorate defects, physical and mental illnesses, and diagnosed conditions of the effects of such conditions; or

2. prevent the worsening of conditions, or the effects of conditions, that:

a. endanger life or cause pain;

b. result in illness or infirmity; or

c. have caused, or threatened to cause, a physical or mental dysfunction, impairment, disability, or developmental delay; or

3. effectively reduce the level of direct medical supervision required or reduce the level of medical care or services received in an inpatient or residential care setting; or

4. restore or improve physical or mental functionality, including developmental functioning, lost or delayed as the result of an illness, injury, or other diagnosed condition or the effects of the illness, injury or condition; or

5. provide assistance in gaining access to needed medical, social, educational and other services required to diagnose, treat, or support a diagnosed condition or the effects of the condition, in order that the recipient might attain or retain:

a. independence;

b. self-care;

c. dignity;

d. self-determination;

e. personal safety; and

f. integration into all natural family, community, and facility environments and activities.

B. Home health skilled nursing and aide services are considered medically reasonable and appropriate when the recipient's medical condition and medical records accurately justify the medical necessity for services to be provided in the recipient's home rather than in a physician's office, clinic, or other outpatient setting according to guidelines as stated in this Subpart.

C. Home health services are appropriate when a recipient's illness, injury, or disability causes significant medical hardship and would interfere with the effectiveness of the treatment if he/she had to go to a physician's office, clinic, or other outpatient setting for the needed service. Any statement on the plan of care regarding this medical hardship must be supported by the totality of the recipient's medical records.

D. The following circumstances are not considerations when determining medical necessity for home health services:

a. inconvenience to the recipient or the recipient's family;

b. lack of personal transportation; or

c. failure or lack of cooperation by a recipient or a recipient's legal guardians or caretakers to obtain the required medical services in an outpatient setting.

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:

§303. Provisions for Infants and Toddlers

A. For the purpose of this Subpart 1, *Infants or Toddlers* are defined as young children, up to age 3, who have not learned to ambulate without assistance.

B. Home health services are considered to be medically necessary for an infant or toddler when the primary care physician has advised against removing the infant or toddler from the home because it would:

1. place the infant or toddler at serious risk of infection;

2. greatly delay or hamper the recovery process;

3. cause significant further debilitation of an existing medical condition or physical infirmity;

4. seriously threaten to cause or aggravate a handicap or a physical deformity or malfunction;

5. cause great suffering or pain;

6. seriously endanger the well being of the infant or toddler; or

7. otherwise be considered medically contraindicated.

C. The following circumstances are not considered when determining the medical necessity of home health services for infants and toddlers:

1. the provision of services in the home is solely a matter of convenience;

2. a lack of personal transportation; or

3. failure or lack of cooperation by the child's legal guardian(s) to obtain the required medical services in an outpatient setting.

NOTE: The fact that an infant or toddler cannot ambulate or travel without assistance from another is not a factor in determining medical necessity for 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:

Chapter 5. Service Limitations

§501. Home Health Visits

A. Home health services are limited to 50 skilled nursing and/or aide visits per year, one service per day for recipients who are 21 years of age and older.

B. The service limitation of 50 skilled nursing and/or aide visits per year, one service per day is not applicable for recipients who are from birth up to the age of 21. However, home health services provided to recipients up to the age of 21 are subject to post-payment review in order to determine if the recipient's condition warrants high utilization.

C. The service limitation of 50 home health visits per year is not applicable for rehabilitation 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:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Home Health Services
Medical Necessity Criteria**

- 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 general fund other than cost of promulgation for SFY 2003-2004. It is anticipated that \$748 (\$374 SGF and \$374 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections other than the federal share of the promulgation costs for SFY 2003-2004. It is anticipated that \$374 will be expended in SFY 2003-2004 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Implementation of this proposed Rule will not have estimable costs and/or economic benefits for directly affected persons or non-governmental groups. This Rule proposes to change the term "homebound criteria" to "medical necessity criteria" in compliance with a clarification in the Centers for Medicare and Medicaid Services guidelines and promulgate the longstanding general provisions and service limitations governing home health services.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This Rule has no known impact on competition and employment.

Ben A Bearden
Director
0312#089

H. Gordon Monk
Staff Director
Legislative Fiscal Office

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

Minimum Licensing Standards
End Stage Renal Disease Treatment Facilities? Licensing
(LAC 48:I.Chapter 84)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 48:I.Chapter 84 under the Medical Assistance Program as authorized by R.S. 36:254 and 40:2117.4. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Act 650 of the 1999 Regular Session of the Louisiana Legislature, in accordance with R.S. 40:2117.4, authorized the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing to promulgate Rules addressing the minimum licensing standards for end stage renal disease treatment facilities. Act 650 states that any facility that presents itself to the public as a supplier of services related to dialysis/treatment for end stage renal disease is required to have a valid and current license prior to admitting any patients. The bureau adopted the licensing standards for all end stage renal disease treatment facilities in the state of Louisiana (*Louisiana Register*, Volume 28, Number 10). The bureau now proposes to amend the October 20, 2002 Rule to clarify provisions of the minimum licensing standards for end stage renal disease treatment facilities. 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, and autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the Rule governing the licensing of end stage renal disease treatment facilities/programs.

Title 48

PUBLIC HEALTH? GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 84. End Stage Renal Disease Treatment Facilities

Subchapter A. General Provisions

§8407. Survey

A. All surveys, except the initial licensing survey, shall be unannounced. This survey may be conducted with other agency personnel and/or personnel from other local, state or federal agencies. A survey of all aspects of the facility's operation is required prior to issuing a license.

B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2193 (October 2002), amended LR 30:

§8409. Adverse Actions

A. DHH reserves the right to suspend, deny (initial or renewal), or revoke any license at the discretion of the secretary or his/her designee.

B. - D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2194 (October 2002), amended LR 30:

Subchapter B. Facility Operations

§8429. Physical Plant Requirements

A. - F.4. ...

5. In facilities initially licensed after March 20, 2004, at least one window shall be provided in every treatment area.

F.6. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2196 (October 2002), amended LR 30:

Subchapter C. Personnel

§8439. General Provisions

A. - B.2. ...

3. The facility must have formal written agreements with outside professionals or other entities retained to provide contract services. Written agreements shall express the responsibilities between the two parties, be signed by both parties and shall either be time-limited or remain in effect until either party terminates the agreement in writing.

C. - C.5.d.xiv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2197 (October 2002), amended LR 30:

§8443. Personnel Qualifications and Responsibilities

A. - C.1.c. ...

d. Repealed.

C.2. - E.2.f. ...

F. Social Worker

1. Qualifications. Currently licensed by the Louisiana State Board of Social Work Examiners as a Licensed Clinical Social Worker or certified by the Board as either a graduate social worker (GSW) or provisional graduate social worker (provisional GSW).

F.2. - H.1. ...

2. At a minimum, each patient receiving dialysis in the facility shall be seen by a physician, physician's assistant, or advanced practice nurse at least once every 30 days; home patients shall be seen at least every three months. There shall be evidence of monthly assessment for new and recurrent problems and review of dialysis adequacy.

H.3. - H.4.c. ...

I. Patient Care Technician (PCT) or Dialysis Technician

1. Qualifications include basic general education (high school or equivalent) and dialysis training as specified in §8441.C.

2. Responsibilities include:

a. performing patient care duties only under the direct and on-site supervision of qualified registered nurses;

b. performing only those patient care duties that are approved by facility management and included in the policy and procedure manual; and

c. performing only those patient care duties for which they have been trained and are documented as competent to perform.

J. Reuse Technician

1. Qualifications. Basic general education (high school or equivalent), facility orientation program, and completion of education and training to include the following:

a. health and safety training, including universal precautions;

b. principles of reprocessing, including dangers to the patient;

c. procedures of reprocessing, including pre-cleaning, processing, storage, transporting, and delivery;

d. maintenance and safe use of equipment, supplies, and machines;

e. general principles of hemodialysis and in-depth information on dialyzer processing; and

f. competency certification on a biannual basis by a designated facility employee.

2. Responsibilities. The reuse technician is responsible for the transport, cleaning, processing, and storage of dialyzers to limit the possibility of cross contamination, and to avoid improper care of multiple use dialyzers.

3. Any technician or professional staff who performs reprocessing shall have documented training in the procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2198 (October 2002), amended LR 30:

Subchapter D. Patient Care

§8457. Treatment Services

A. - A.2. ...

B. In addition, the following services may be provided by a facility:

1. home training? home visits, teaching, and professional guidance to teach patients to provide self-dialysis;

2. home support? provision of professional support to assist the patient who is performing self-dialysis.

C. Dialyzer Reprocessing. Reuse shall meet the requirements of 42 CFR. 405.2150. Additionally, the facility shall:

1. develop, implement, and enforce procedures that eliminate or reduce the risk of patient care errors including, but not limited to, a patient receiving another patient's dialyzer, or a dialyzer that has failed performance checks;

2. develop procedures to communicate with staff and to respond immediately to market warnings, alerts, and recalls;

3. develop and utilize education programs that meet the needs of the patient and/or family members to make informed reuse decisions; and

4. be responsible for all facets of reprocessing, even if the facility participates in a centralized reprocessing program.

D. Water treatment shall be in accordance with the *American National Standard, Hemodialysis Systems* published by the Association for the Advancement of Medical Instrumentation (AAMI Standards) and adopted by reference 42 CFR. §405.2140.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2201 (October 2002), amended LR 30:

§8459. Treatment Requirements

A. - A.2.b. ...

c. written contracts with those patients who have a history of problems at other facilities, such as disruptive, threatening and abusive behavior to staff or other patients; and

A.2.d. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2117.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:2201 (October 2002), amended LR 30:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Minimum Licensing Standards? End Stage Renal Disease Treatment Facilities? Licensing

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 general fund other than cost of promulgation for SFY 2003-2004. It is anticipated that \$544 (\$272 SGF and \$272 FED) will be expended in SFY 2003-04 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections other than the federal share of the promulgation costs for SFY 2003-2004. It is anticipated that \$272 will be expended in SFY 2003-2004 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule will not have estimable cost or economic benefits for SFY 2003-2004, 2004-2005 and 2005-2006. This Rule proposes to amend and clarify licensing standards relative to physical plant requirements, personnel qualifications, and treatment services and requirements for end stage renal disease treatment facilities (approximately 130) in the state of Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known impact on competition and employment.

Ben A. Bearden
Director
0312#088

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Personal Assistant Services? Employment Support
(LAC 50:XV.Chapter 141)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:XV.Chapter 141 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule to establish the provisions governing coverage of personal assistant services as an optional service under the Medicaid State Plan to support the employment efforts of Medicaid recipients with disabilities who are age 18 through 64 years old. (*Louisiana Register, Volume 29, Number 8*). The bureau now proposes to amend the August 20, 2003 Rule to establish provisions governing when a recipient may change personal assistant services providers and staffing requirements for personal assistant services agencies. In addition, the bureau proposes to amend the general provisions and standards for participation contained in the August 20, 2003 Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that implementation of this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972 as it will enhance the quality of services by ensuring that employees of personal assistant services agencies are qualified to provide services.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the August 20, 2003 Rule to establish provisions governing when a recipient may change personal assistant service

providers and staffing requirements for personal assistant agencies. In addition, the bureau proposes to amend the general provisions and standards for participation contained in the August 20, 2003.

Title 50

PUBLIC HEALTH? MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 11. Personal Assistant Services

Chapter 141. Employment Support

§14101. General Provisions

A. - B. ...

C. An assessment shall be performed for every recipient who requests personal assistant services. This assessment shall be utilized to identify the recipient's employment related needs, preferences, the availability of family and community supports and to develop the plan of care. The Minimum Data Set-Home Care (MDS-HC) System will be used as the basic assessment tool. However, other assessment tools may be utilized as a supplement to the MDS-HC to address the needs of special groups within the target population.

D. Authorization. Personal assistant services (PAS) shall be authorized by the Bureau of Health Services Financing or its designee. The Bureau of Health Services Financing or its designee will review the completed assessment, supporting documentation from the recipient's primary physician, plan of care and any other pertinent documents to determine whether the recipient meets the medical necessity criteria for personal assistant services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003), amended LR 30:

§14107. Recipient Rights

A. - A.9. ...

B. Changing Providers. Recipients may request to change personal assistant services providers without cause once after each 90 day service authorization period. Recipients may request to change personal assistant services providers with good cause at any time during the service authorization period. Good cause is defined as the failure of the provider to furnish services in compliance with the service plan. Good cause shall be determined by the bureau or its designee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), amended LR 30:

§14109. Standards for Participation

A. - B.2. ...

3. ensure that a physical examination to determine good health, drug screening test and criminal background check are conducted for all direct care and supervisory staff and that the results are maintained in each employee's personnel record:

a. an employee shall not be assigned to participate in service plan development or to provide services to a recipient until the results have been received from the physical examination and the drug screening test;

b. the drug screening test must be performed by an independent laboratory;

c. the criminal background check must be performed by the Office of the State Police or an agency authorized by the Office of the State Police:

i. the agency may make an offer of temporary employment to an individual pending the results of the criminal background check. In such instances, the worker shall perform his/her duties under the direct supervision of a permanent employee or in the presence of a member of the recipient's immediate family or of a care giver designated by the immediate family;

4. ensure that the direct care staff is qualified to provide personal care services. Assure that all new staff satisfactorily completes an orientation and training program within the first 30 days of employment;

5. - 11. ...

12. have proof of general liability insurance of at least \$200,000. The certificate holder shall be the Department of Health and Hospitals;

13. must maintain an office in each region in which it proposes to provide services. Consideration shall be given to an agency's request to provide services in a parish that borders its designated service region if that parish is within a 50 mile radius of the agency's office:

a. each office must have hours of operation that conform to the customary operating hours for similar businesses in the local community and have written provisions for emergency contact that include a toll-free telephone line with 24-hour accessibility. The written policy governing emergency contact shall be made available to recipients and staff;

b. each office must house the case records and billing documentation for the individuals served by that office;

c. each office must also house the personnel and payroll records for all of the employees who are assigned to that office.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), amended LR 30:

§14111. Staffing Requirements

A. Personal assistant services agencies participating in the Medicaid Program must ensure that all staff providing direct care to the recipient meets the qualifications for furnishing personal assistant services. The PAS worker should demonstrate empathy toward persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job. In addition, all supervisors of direct care staff must meet qualifications set forth in this §14111.

B. Personal Assistant Services Worker Qualifications

1. Age. The worker must be at least 21 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience. All personal assistant services workers must meet one of the following minimum education and experience qualifications:

a. a high school diploma or general equivalency diploma (GED) and one year of documented experience providing direct care services to persons with disabilities; or

- b. successful completion of a home health aide training program and competency evaluation; or
- c. successful completion of a certified nursing assistant training program and competency evaluation approved by the Department of Health and Hospitals; or
- d. three years of documented experience providing direct care services to persons with disabilities.

3. The PAS worker must have the ability to read and write in English as well as to carry out directions promptly and accurately.

4. Prior to an offer of employment being finalized, the PAS worker must have:

- a. a physical examination that verifies that he/she is in good health and free from contagious disease;
- b. a drug screening test; and
- c. a criminal background check.

C. Restrictions. A legally responsible relative is prohibited from being the paid PAS worker for a family member. Legally responsible relative is defined as the parent of a minor child, foster parent, curator, tutor, legal guardian or the recipient's spouse.

D. Supervisor Qualifications

1. Age. The supervisor must be at least 23 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience. All supervisors of PAS workers must meet one of the following minimum education and experience qualifications:

- a. a bachelor's degree in one of the human service-related fields:
 - i. social work;
 - ii. psychology;
 - iii. sociology;
 - iv. physical therapy;
 - v. occupational therapy;
 - vi. recreational therapy or counseling from an accredited college or university; or

Note: Thirty hours of graduate level course credit in any of the referenced human service-related fields may be substituted for the one year of required paid experience.

- b. two years of paid experience in a human service-related field providing direct services to persons with disabilities; or
- c. a licensed registered nurse (RN) or a licensed practical nurse (LPN) with one year of paid experience as an RN or LPN providing direct services to persons with disabilities; or
- d. a high school diploma or GED and five years of paid experience providing direct care services to persons with disabilities.

E. Training. Training for personal assistant services workers and supervisors must be provided or arranged for by the personal assistant services agency at its own expense.

1. A minimum of eight hours of orientation must be provided to new direct care and supervisory employees within one week of employment. The orientation provided to staff shall include, but is not limited to:

- a. agency policies and procedures;
- b. staff duties and responsibilities;

- c. ethics and confidentiality;
- d. record keeping;
- e. a description of the population served by the agency; and
- f. a discussion of issues related to providing care for these individuals, including physical and emotional problems associated with disability.

2. New direct care staff must also receive training in cardiopulmonary resuscitation (CPR) and basic first aid within one week of employment. A current, valid certification for CPR and first aid may be accepted as verification of training.

3. A minimum of 16 hours of training must be furnished to new employees within 30 days of employment. The PAS agency training curriculum must, at a minimum, include the following components:

- a. communication skills;
- b. observation, reporting and documentation of the recipient status and the care or service furnished;
- c. basic infection control procedures;
- d. basic elements of body functioning and changes in body function that must be reported to a worker's supervisor;
- e. safe transfer techniques and ambulation;
- f. appropriate and safe techniques in personal hygiene and grooming that include:
 - i. bed bath;
 - ii. sponge, tub, or shower bath;
 - iii. sink, tub, bed shampoo;
 - iv. nail and skin care;
 - v. oral hygiene; and
 - vi. toileting and elimination;
- g. recognizing emergencies and knowledge of emergency procedures;
- h. maintenance of a clean, safe and healthy environment; and

i. treating the recipient with dignity and respect, including the need to respect his/her privacy and property.

4. PAS workers and supervisors must satisfactorily complete a minimum of 20 hours of annual training related to the provision of personal assistant services. This training may include updates on the subjects covered in orientation and initial training. The eight hours of orientation required for new employees are not included as part of the hours required for the annual training.

5. Documentation. All required training must be documented in the employee's personnel record, including the date, time spent in the training sessions, subjects covered and the name of the individual who conducted the training. Verification of training shall be furnished to the Bureau or its designee upon request.

F. Supervisory Responsibilities

1. Each supervisor shall be responsible for assessing the job performance of each staff member, reviewing individual cases, providing constructive feedback, and assisting staff to provide services in a more effective manner and to resolve problems using the following methods:

- a. routine face-to-face meetings with individual staff;

- b. routine face-to-face group meetings with all staff;
or
- c. periodic visits to the recipient's residence to ensure his/her satisfaction with services being provided.

2. Each supervisor shall be responsible for the supervision of no more than 10 PAS workers.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:

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

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Personal Assistant
Services? Employment Support**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$884 (\$442 SGF and \$442 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$442 will be expended in SFY 2003-2004 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that providers of personal assistant services (PAS) (approximately 230) will incur costs in hiring and training PAS workers and supervisors. However, these estimated costs cannot be determined at this time. Implementation of this proposed Rule will amend provisions contained in the August 20, 2003 Rule to establish staffing requirements for personal assistant services and the recipient's rights regarding changing providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. It is anticipated that this proposed Rule could provide employment opportunities to providers of personal assistant services.

Ben A. Bearden
Director
0312#091

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Personal Care Services? Long Term Care
(LAC 50:XV.Chapter 129)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:XV.Chapter 129 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule to establish the provisions governing coverage of personal care services as an optional service under the Medicaid State Plan (*Louisiana Register*, Volume 29, Number 6). The bureau now proposes to amend the June 20, 2003 Rule to establish provisions governing when a recipient may change personal care service providers and staffing requirements for personal care agencies. In addition, the bureau proposes to amend the general provisions, standards for participation and the place of service requirements contained in the June 20, 2003 Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that implementation of this proposed Rule will have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972, as it will enhance the quality of services by ensuring that employees of personal care services agencies are qualified to provide services.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 2003 Rule to establish provisions governing when a recipient may change personal care service providers and staffing requirements for personal care agencies. In addition, the bureau proposes to amend the general provisions, standards for participation and the place of service requirements contained in the June 20, 2003 Rule.

Title 50

PUBLIC HEALTH? MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12901. General Provisions

A. ...

B. An assessment shall be performed for every recipient who requests personal care services. This assessment shall be utilized to identify the recipient's long term care needs, preferences, the availability of family and community supports and to develop the plan of care. The Minimum Data Set-Home Care (MDS-HC) System will be used as the basic assessment tool. However, other assessment tools may be utilized as a supplement to the MDS-HC to address the needs of special groups within the target population.

C. Authorization. Personal care services (PCS) shall be authorized by the Bureau of Health Services Financing or its designee. The bureau or its designee will review the completed assessment, supporting documentation from the recipient's primary physician, plan of care and any other pertinent documents to determine whether the recipient meets the medically necessity criteria for personal care 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 29:911 (June 2003), amended LR 30:

§12907. Recipient Rights

A. - A.9.

B. Changing Providers. Recipients may request to change PCS providers without cause once after each 90 day service authorization period. Recipients may request to change PCS providers with good cause at any time during the service authorization period. Good cause is defined as the failure of the provider to furnish services in compliance with the service plan. Good cause shall be determined by the bureau or its designee.

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 29:912 (June 2003), amended LR 30:

§12909. Standards for Participation

A. - B.2. ...

3. ensure that a physical examination to determine good health, a drug screening test and a criminal background check are performed for all direct care and supervisory staff and that the results are maintained in each employee's personnel record:

a. an employee shall not be assigned to participate in service plan development or to provide services to a recipient until the results have been received from the physical examination and the drug screening test;

b. the drug screening test must be performed by an independent laboratory;

c. the criminal background check must be performed by the Office of the State Police or an agency authorized by the Office of the State Police:

i. the agency may make an offer of temporary employment to an individual pending the results of the criminal background check. In such instances, the worker shall perform his/her duties under the direct supervision of a permanent employee or in the presence of a member of the recipient's immediate family or of a care giver designated by the immediate family;

4. ensure that the direct care staff is qualified to provide personal care services. Assure that all new staff

satisfactorily complete an orientation and training program within the first 30 days of employment;

B.5 - 10....

11. have proof of general liability insurance of at least \$200,000. The certificate holder shall be the Department of Health and Hospitals;

12. must maintain an office in each region in which it proposes to provide services. Consideration shall be given to an agency's request to provide services in a parish that borders its designated service region if that parish is within a 50-mile radius of the agency's office:

a. each office must have hours of operation that conform to the customary operating hours for similar businesses in the local community and have written provisions for emergency contact that include a toll-free telephone line with 24-hour accessibility. The written policy governing emergency contact shall be made available to recipients and staff;

b. each office must house the case records and billing documentation for the individuals served by that office;

c. each office must also house the personnel and payroll records for all of the employees who are assigned to that office.

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 29:912 (June 2003), amended LR 30:

§12911. Staffing Requirements

A. Personal care services agencies participating in the Medicaid Program must ensure that all staff providing direct care to the recipient meet the qualifications for furnishing personal care services. The PCS worker shall demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job. In addition, all supervisors of direct care staff must meet qualifications set forth in this §12911.

B. Personal Care Services Worker Qualifications

1. Age. The worker must be at least 21 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience. All PCS workers must meet one of the following minimum education and experience qualifications:

a. a high school diploma or general equivalency diploma (GED) and one year of documented experience providing direct care services to the elderly and/or persons with disabilities; or

b. successful completion of a home health aide training program and competency evaluation; or

c. successful completion of a certified nursing assistant training program and competency evaluation approved by the Department of Health and Hospitals; or

d. three years of documented experience providing direct care services to the elderly and/or persons with disabilities.

3. The PCS worker must have the ability to read and write in English as well as to carry out directions promptly and accurately.

4. Prior to an offer of employment being finalized, the PCS worker must have:

- a. a physical examination that verifies that he/she is in good health and free from contagious disease;
- b. a drug screening test; and
- c. a criminal background check.

C. Restrictions. A legally responsible relative is prohibited from being the paid PCS worker for a family member. Legally responsible relative is defined as the parent of a minor child, foster parent, curator, tutor, legal guardian or the recipient's spouse.

D. Supervisor Qualifications

1. Age. The supervisor must be at least 23 years old or older at the time the offer of employment is made. Verification of age must be maintained in each worker's personnel record.

2. Education and Experience. All supervisors of PCS workers must meet one of the following minimum education and experience qualifications:

a. a bachelor's degree from an accredited college or university in one of the following human service-related fields:

- i. social work;
- ii. psychology;
- iii. sociology;
- iv. physical therapy;
- v. occupational therapy; or
- vi. recreational therapy or counseling; or

Note: Thirty hours of graduate level course credit in any of the referenced human service-related fields may be substituted for the one year of required paid experience.

b. two years of paid experience in a human service-related field providing direct services to the elderly and/or persons with disabilities; or

c. a licensed registered nurse (RN) or a licensed practical nurse (LPN) with one year of paid experience as an RN or LPN providing direct services to the elderly and/or persons with disabilities; or

d. a high school diploma or GED and five years of paid experience providing direct care services to the elderly and/or persons with disabilities.

E. Training. Training for PCS workers and supervisors must be provided or arranged for by the personal care services agency at its own expense.

1. A minimum of eight hours of orientation must be provided to new direct care and supervisory employees within one week of employment. The orientation provided to staff shall include, but is not limited to:

- a. agency policies and procedures;
- b. staff duties and responsibilities;
- c. ethics and confidentiality;
- d. record keeping;
- e. a description of the population served by the agency; and
- f. a discussion of issues related to providing care for these individuals, including physical and emotional problems associated with aging and disability.

2. New direct care staff must also receive training in cardiopulmonary resuscitation (CPR) and basic first aid within one week of employment. A current, valid certification for CPR and first aid may be accepted as verification of training.

3. A minimum of 16 hours of training must be furnished to new employees within 30 days of employment. The PCS agency training curriculum must, at a minimum, include the following components:

- a. communication skills;
- b. observation, reporting and documentation of the recipient status and the care or service furnished;
- c. basic infection control procedures;
- d. basic elements of body functioning and changes in body function that must be reported to a worker's supervisor;
- e. safe transfer techniques and ambulation;
- f. appropriate and safe techniques in personal hygiene and grooming that include:
 - i. bed bath;
 - ii. sponge, tub, or shower bath;
 - iii. sink, tub, bed shampoo;
 - iv. nail and skin care;
 - v. oral hygiene; and
 - vi. toileting and elimination;
- g. recognizing emergencies and knowledge of emergency procedures;
- h. maintenance of a clean, safe and healthy environment; and
- i. treating the recipient with dignity and respect, including the need to respect his/her privacy and property.

4. PCS workers and supervisors must satisfactorily complete a minimum of 20 hours of annual training related to the provision of personal care services. This training may include updates on the subjects covered in orientation and initial training. The eight hours of orientation required for new employees are not included as part of the hours required for the annual training.

5. Documentation. All required training must be documented in the employee's personnel record, including the date, time spent in the training sessions, subjects covered and the name of the individual who conducted the training. Verification of training shall be furnished to the bureau or its designee upon request.

F. Supervisory Responsibilities

1. Each supervisor shall be responsible for assessing the job performance of each staff member, reviewing individual cases, providing constructive feedback, and assisting staff to provide services in a more effective manner and to resolve problems using the following methods:

- a. routine face-to-face meetings with individual staff;
 - b. routine face-to-face group meetings with all staff;
- or

c. periodic visits to the recipient's residence to ensure his/her satisfaction with services being provided.

2. Each supervisor shall be responsible for the supervision of no more than 10 PCS workers.

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:

§12913. Place of Service

A. Personal care services may be provided in the recipient's home or in another location outside of the recipient's home if the provision of these services allows the

recipient to participate in normal life activities pertaining to the IADLs cited in the plan of care. The recipient's home is defined as the recipient's place of residence including his/her own house or apartment, a boarding house, or the house or apartment of a family member or unpaid primary care-giver. A hospital, institution for mental disease, nursing facility or an intermediate care facility for the mentally retarded, are not considered to be the recipient's home.

B. - D. ...

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 29:913 (June 2003), amended LR 30:

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

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Personal Care Services Long Term Care**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will have no programmatic fiscal impact for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$816 (\$408 SGF and \$408 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect federal revenue collections for SFY 2003-2004, 2004-2005 and 2005-2006. It is anticipated that \$408 will be expended in SFY 2003-2004 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that personal care services providers (approximately 230) will incur costs for the hiring and training of direct care and supervisory staff. However, the estimable costs to providers cannot be determined at this time. Implementation of this proposed Rule establishes provisions

governing when a recipient may change personal care service providers, staffing requirements for personal care agencies, and amends the general provisions, standards for participation and the place of service requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. It is anticipated that this proposed Rule could provide employment opportunities to providers of personal care services.

Ben A. Bearden
Director
0312#092

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Pregnant Women Extended Services? Dental Services
(LAC 50:XV.16101-16107)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.16101-16107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage for dental services under the Early and Periodic Screening, Diagnosis and Treatment Program for Medicaid recipients up to age 21. Under the authority of Section 440.210(a)(2) and 442.220(a)(5) of the *Code of Federal Regulations*, the bureau 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 29, Number 10*). Treating the periodontal needs of this population is effected in order to improve birth outcomes, thus reducing the incidence of pre-term and low weight births. Medicaid coverage of these dental services ends at the conclusion of the pregnancy. The bureau now proposes to promulgate a Rule to continue the provisions contained in the November 1, 2003 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972 as it will promote the health and welfare of Medicaid eligible pregnant women and their unborn children by addressing those periodontal needs that may affect the pregnancy.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the coverage of the dental services for pregnant women.

Title 50

PUBLIC HEALTH? MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 161. Dental Services

§16101. Recipient Qualifications

A. In order to qualify for the dental services indicated below, a Medicaid eligible pregnant woman must be 21 years of age or older and certified for Medicaid as categorically eligible.

B. Pregnant women who are certified for Medicaid as Qualified Medicare Beneficiaries do not qualify for coverage of dental services unless these services are covered by Medicare.

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:

§16103. Provider Responsibilities

A. The medical professional providing pregnancy care must complete the Referral for Pregnancy-Related Dental Services Form (BHSF Form 9M), including the expected date of delivery. The dental provider must obtain an original completed and signed BHSF 9M prior to the delivery of dental services. This form shall be kept on file at the treating dentist's office.

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:

§16105. Covered Services

A. The following dental services are covered for Medicaid eligible pregnant women 21 years of age or older.

Description
Comprehensive Periodontal Evaluation – New or Established Patient
Intraoral - Periapical First Film
Intraoral - Periapical Each Additional Film
*Intraoral - Occlusal Film
Bitewings, Two Films
*Panoramic Film
Prophylaxis – Adult
* Amalgam, One Surface, Primary or Permanent
*Amalgam, Two Surfaces, Primary or Permanent
*Amalgam, Three Surfaces, Primary or Permanent
*Amalgam, Four or More Surfaces, Permanent
*Resin-based Composite, One Surface, Anterior
*Resin-based Composite, Two Surfaces, Anterior
*Resin-based Composite, Three Surfaces, Anterior
*Resin-based Composite, Four or More Surfaces or Involving Incisal Angle, Anterior
*Resin-based Composite Crown, Anterior
*Prefabricated Stainless Steel Crown, Permanent Tooth
*Prefabricated Resin Crown
*Pin Retention, Per Tooth, In Addition to Restoration
*Periodontal Scaling and Root Planing - Four or More Contiguous Teeth or Bounded Teeth Spaces Per Quadrant
*Full Mouth Debridement to Enable Comprehensive Evaluation and Diagnosis
Extraction, Erupted Tooth or Exposed Root (Elevation and/or Forceps Removal)
*Surgical Removal of Erupted Tooth Requiring Elevation of Mucoperiosteal Flap and Removal of Bone and/or Section of Tooth
*Removal of Impacted Tooth, Soft Tissue
*Removal of Impacted Tooth, Partially Bony

* Prior Authorization Required

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:

§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.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 27, 2004 at 9:30 a.m. in the Wade O. Martin Auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pregnant Women Extended
Services? Dental Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in estimated cost avoidance to the state of \$348,048 for SFY 2003-2004, \$2,489,350 for SFY 2004-2005 and \$2,564,030 for SFY 2005-2006. It is anticipated that \$408 (\$204 SGF and \$204 FED) will be expended in SFY 2003-2004 for the state's administrative expense for promulgation of this proposed Rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will reduce federal revenue collections by \$875,199 for SFY 2003-2004, \$6,257,486 for SFY 2004-2005 and \$6,445,211 for SFY 2005-2006. \$204 is included in SFY 2003-2004 for the federal administrative expenses for promulgation of this proposed rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule expands coverage of certain designated dental services to include Medicaid eligible pregnant women (approximately 8,000) who evidenced the need for periodontal treatment. Treating the periodontal needs of this population is

effected in order to improve birth outcomes, thus reducing the incidence of pre-term and low weight births (based on assumptions provided in the study "Periodontal Disease and Pre Term Births: Results of a Pilot Intervention Study" by Dr. Marjorie Jeffcoat, published in August 2003). It is anticipated that implementation of this proposed Rule will result in decreased spending due to improved prenatal care by \$1,223,655 for SFY 2003-2004, \$8,746,836 for SFY 2004-2005 and \$9,009,241 for SFY 2005-2006.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition or employment as a result of the implementation of this proposed Rule.

Ben A. Bearden
Director
0312#090

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Labor Office of Regulatory Services

Minor Labor Law (LAC 40:VII.Chapters 1-5)

Notice is hereby given, in accordance with R.S. 49:950 et. seq., that the Louisiana Department of Labor, pursuant to authority vested in the department by R.S. 23:153 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend Rules, LAC 40:VII.Chapter 1-5, relative to the regulations of conditions under which minor labor may be used.

The proposed amendments address changes enacted pursuant to Act 671 of the 2003 Legislative Session. Proposed amendments will also clarify current law and bring consistency between the current law and the regulations.

Title 40

LABOR AND EMPLOYMENT

Part VII. Conditions Under Which Minor

Labor may be Used

Chapter 1. Minimum Age Standards for Nonagricultural Employment

§101. Oppressive Child Labor

A. Oppressive child labor is defined as employment of children under legal minimum ages in specified occupations as listed in the following Paragraphs.

1. Minimum Age 14. This is the minimum age for certain specified occupations which are allowed outside of school hours. These occupations, along with hours and time standards, are listed in LAC 40:VII.103, 201, 203, 301, and 303.

2. At 16 years of age, youths may be employed in any occupation other than a nonagricultural occupation declared hazardous by the Assistant Secretary of Labor after a public hearing, or any occupation prohibited by R.S. 23:161.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1086 (December 1989), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§103. Employment Standards for Minors Under 16 Years of Age

A. Employment of minors under 16 years of age is limited to certain occupations under conditions which do not interfere with their schooling, health, or well being.

1. Hours and Time Standards. Minors under 16 years of age may not be employed, or permitted, or suffered to work:

a. during school hours, as defined by the local superintendent for the school district in which the minor resides;

b. before 7 a.m. or after 7 p.m. on any day prior to a day during which school is in session or after 9 p.m. on any day prior to a day during which school is not in session;

c. when employed in theatrical performances, the minor may not be present in the theater, nor shall appear in any performance during the below listed periods of time:

i. more than six hours in any day;

ii. more than 24 hours in any week;

iii. between the hours of 11 p.m. and 6 a.m.;

d. when employed in commercial motion picture, film or video productions, or modeling, the minor may not be present in the studio or on the set, nor shall appear in any performance during the below listed periods of time.

i. before 7 a.m. for studio production, 6 a.m. for location productions, and shall end no later than time specified below:

(a). for minors under six years of age, 7 p.m.;

(b). for minors six years of age to 15 years of age, 8 p.m. on any day prior to a day during which school is in session or 10 p.m. on any day prior to a day during which school is not in session, as defined by the local superintendent for the school district in which the minor resides;

ii. minors under six years of age shall not work more than six hours per day; minors six years of age to 15 years of age shall not work more than eight hours per day;

iii. minors shall receive a 12-hour rest break at the end of each work day, before the commencement of the next day of work;

iv. minors shall not be employed more than six consecutive days in any one week, nor more than 36 hours per week for minors under six years of age, nor more than 48 hours per week for minors six years of age to 15 years of age;

v. applications for waivers for any exception to the foregoing provisions of this Subparagraph may be made to the secretary of the Department of Labor or his designee;

vi. the secretary of labor or his designee may grant a waiver only under the following circumstances:

(a). written notification through a listing of specific dates and times that the minor(s) shall be employed and/or present for either studio production or location production;

(b). written acknowledgement that the minor's parent(s), tutor, or custodian have been fully informed of the circumstances and have granted advance consent.

AUTHORITY NOTE: Promulgated in accordance with R. S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1086 (December 1989), amended by the Department of

Employment and Training, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Labor, LR 20:897 (August 1994), amended by the Department of Labor, Office of Regulatory Services, LR 30:

Chapter 2. Occupations Permitted for 14 and 15 Year-Old Minors

§201. Types of Employment

A. Types of employment in which 14 and 15 year-old minors may be employed:

1. office and clerical work (including operation of office machines);
2. cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;
3. price marking and tagging by hand or machine, assembling orders, packing and shelving;
4. bagging and carrying out customers' orders;
5. errand and delivery work by foot, bicycle, and public transportation;
6. cleanup work, including use of vacuum cleaners and floor waxers; and maintenance of grounds, but not including use of power-driven mowers or cutters;
7. kitchen work and other work involved in preparing and serving food and beverages, including operation of machines and devices used in performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders;
8. work in connection with cars and trucks if confined to the following:
 - a. dispensing gasoline and oil;
 - b. courtesy service on premises of gasoline service station;
 - c. car cleaning, washing, and polishing;
9. cleaning vegetables and fruits; and wrapping, sealing, weighing, labeling, pricing, and stocking goods when performed in areas physically separated from areas where meat is prepared for sale;
10. selling, offering for sale, soliciting for or displaying articles, goods, merchandise, commercial service, posters, circulars, newspapers, or magazines;
11. delivery of, and collection for newspapers and periodicals;
12. work as a golf caddy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February, 1981), amended LR 15:1087 (December 1989), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§203. Occupations Permitted for Minors under 16 Years of Age in Theatrical Performances, Exhibitions, Commercial Motion Pictures, Films, Video Productions, or Modeling

A. Minors may be employed in theatrical performances or exhibitions as follows:

1. as a singer, musician, or actor in a church, school or academy;
2. teaching or learning the science or practice of music or singing;

3. as a singer, musician, or actor in a concert or in the presentation of a play or musical comedy under the following conditions:

- a. not more than nine weekly performances may be presented; and
- b. a permit must be granted by the assistant secretary of labor at least five days prior to the performance;
4. as a singer, musician, or actor in a play or musical comedy presented by a traveling theatrical company, provided that no more than eight performances are given in any one week. During a week in which a national or state holiday occurs, nine performances may be given under the following conditions:
 - a. a special permit must be obtained from the assistant secretary of the Office of Regulatory Services by the manager of the theater in which the minor is to appear;
 - b. the minor must hold a valid certificate from the state or city where the minor resides which permits participation in theatrical performances;
 - c. in the opinion of the assistant secretary of the Office of Regulatory Services, employment in such performances is not detrimental to the health and morals of the minor.

B. Minors may be employed in commercial motion pictures, films, video productions, or modeling, as follows.

1. A duly authorized agent shall make applications for a permit to the assistant secretary of the Office of Regulatory Services at least five days before the minor is scheduled to begin work.

2. The assistant secretary of the Office of Regulatory Services shall issue permits after satisfying himself that the supervision of the minor is adequate, and that the conditions of employment are not detrimental to the health, morals or safety of the minor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1087 (December 1989), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

Chapter 3. Occupations Not Permitted

§301. Occupations Not Permitted for 14 and 15 Year-Old Minors

- A. 14 and 15 year-old minors may not be employed in:
1. any manufacturing occupation;
 2. any mining occupation;
 3. processing occupations or commercial laundering and dry-cleaning;
 4. occupations which require performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in §201;
 5. operating or tending hoisting or lifting apparatus or the inflation of any tire mounted on a rim equipped with a removable retaining ring;
 6. occupations connected with:
 - a. transportation of persons or property by rail, highway, air, water, pipeline, or other means;
 - b. communications and public utilities, except office and clerical work;

- c. construction, including repair work;
- 7. any of the following occupations:
 - a. work performed in or about boiler or engine rooms;
 - b. work in connection with repair of machines or mechanical equipment;
 - c. all work that involves use of ladders and scaffolds or their substitutes;
 - d. cooking and baking;
 - e. occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, choppers and cutters, and bakery type mixers;
 - f. work in freezers and meat coolers;
 - g. all work in preparation of meat for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when such work is not performed in processing areas;
 - h. loading and unloading goods on and off trucks, railroad cars, and conveyors; or
 - i. all occupations in warehouses, except office and clerical work;
- 8. any occupation about or in connection with power-driven machinery; or
- 9. any other occupation found and declared to be hazardous by the assistant secretary of Labor after a public hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1088 (December 1989), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§303. Employment of Minors 16 and 17 Years of Age

A. Minors may not work in any illegal, indecent, or immoral exhibition or practice, including but not limited to; striptease, exotic dancer, etc.

B. Minors may not work at any occupation which the assistant secretary of the Office of Regulatory Services has found and declared to be hazardous for 16 and 17 year-old persons. This minimum age applies even when the minor is employed by a parent or person standing in place of the parent.

C. There are no time standards for minors 16 and 17 years of age regarding the numbers of hours worked per day or per week, however, minors shall receive an eight hour rest break at the end of each work day, before the commencement of the next day of work.

D. No minor who has not graduated from high school shall be employed, or permitted, or suffered to work before 5 a.m. No minor who has not graduated from high school shall be employed, or permitted, or suffered to work after 10 p.m. on any day prior to a day during which school is in session or after midnight on any day prior to a day during which school is not in session. For purposes of this subparagraph, a minor who has taken and passed a General Education Development test (GED) and who has been awarded a High School Equivalency Diploma from the Louisiana Department of Education will be considered to have graduated from high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:251.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:45 (February 1981), amended LR 15:1088 (December 1989), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

Chapter 5. Hazardous Occupations

§501. Preface

A. In the following sections certain occupations are listed as hazardous. These occupations are specified both on an industry-wide basis, and on an occupational basis, regardless of the industry in which they are found.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:46 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§503. Manufacturing or Storage Operations Involving Explosives

A. Definitions

Explosives and Articles Containing Explosives? ammunition, black powder, blasting caps, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations governing transportation of explosives and other dangerous substances by common carriers.

Plant or Establishment Manufacturing or Storing Explosive Articles? the land with all buildings and structures thereon which are used in connection with manufacturing, processing, or storing explosives or articles which contain explosive components.

B. Non-explosive Area

1. An area which meets all of the following criteria is deemed a non-explosive area.

a. No work performed in the area involves handling or use of explosives.

b. The area is separated from the explosive area by a distance not less than that prescribed in the American Table of Distances for protection of inhabited buildings.

c. The area is separated from the explosive area by a fence or is otherwise located so that it constitutes a designated area.

2. Satisfactory controls have been established to prevent employees under 18 years of age who are working within the area from entering any area in or about the plant which does not meet criteria listed in Subsection C below.

C. Occupations prohibited in plants which manufacture or store explosives. The following occupations in or about any plant or establishment which manufactures or stores explosives are prohibited:

1. all occupations in manufacturing, mixing, transporting, or handling explosive compounds in manufacture of explosives, and all other occupations which require performance of any duties in an explosive area in which explosive compounds are manufactured or mixed;

2. all occupations involved in manufacturing, handling, or transportation of primers, and performance of any other duties in the same building in which primers are manufactured;

3. all occupations involved in priming cartridges, and performance of any other duties in the same room in which cartridges are primed;

4. all occupations involved in plate loading cartridges and in operation of automatic loading machines;

5. all occupations which involve loading, inspecting, packing, storing, and shipping blasting caps; and

6. all other occupations in or about any plant or establishment which manufactures or stores explosives except when such occupation is performed in a non-explosive area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:46 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§505. Occupations Involving Motor Vehicles

A. Definitions

Driver? any individual who, in the course of employment, drives a motor vehicle at any time.

Gross Vehicle Weight? the weight of the vehicle chassis, including lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or drivers compartment, body, special chassis and body equipment, and payload.

Motor Vehicle? any automobile, truck, truck-trailer combination, trailer, semi-trailers, motorcycle, or similar vehicle which is propelled or drawn by mechanical or electrical power, and designed for use as means of transportation, but does not mean any vehicle operated exclusively on rails.

B. Occupations Prohibited. Any occupation as motor-vehicle driver is prohibited except as permitted in R.S. 23:161 (10) and the Teen Drive for Employment Act which amends the Federal Fair Labor Standards Act, 26 U.S.C. 212 through 213.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor LR 7:46 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§507. Occupations in Connection with Mining

A. Definitions

Mining Occupations? all work performed:

- a. underground in mines and quarries;
- b. on the surface at underground mines and underground quarries;
- c. in or about open-cut mines, open quarries, clay pits, and sand and gravel operations;
- d. at or about placer mining operations;
- e. at or about operations dredging for clay, sand or gravel;
- f. at or about bore-hole mining operations;
- g. in or about all metal mills, washer plants, or grinding mills which reduce bulk of extracted minerals; or
- h. at or about any crushing, grinding, screening, sizing, washing, or cleansing operations performed upon extracted minerals, except when such operations are performed as part of a manufacturing process outside of area of the mine or quarry.

B. Prohibited Occupations. All occupations in connection with mining or operation of a quarry are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Adopted by the Department of Labor, Office of Labor, LR 7:46 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§509. Logging and Sawmill Operations

A. Definitions

Occupations in Logging? all work performed in connection with felling timber, bucking or converting timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fenceposts, or similar products; collecting, skidding, yarding, loading, transporting, and unloading such products in connection with logging; and other work performed in connection with logging that is declared to be hazardous by the assistant secretary of labor.

Occupations in Sawmilling? all work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill, or in or about any such mill in connection with storing logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperate stock, or other products of such mills; or any other work performed in connection with operating any sawmill, lath mill, shingle mill, or cooperage mill.

B. Prohibited Occupations. All occupations in logging and all occupations in operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Adopted by the Department of Labor, Office of Labor, LR 7:46 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§511. Power Driven Woodworking Machine Occupations

A. Definitions

Power-Driven Woodworking Machines? all fixed or portable machines or tools driven by mechanical or electrical power, and are used or designed for cutting, shaping, forming, nailing, stapling, wire-stitching, fastening, or otherwise assembling, pressing, or printing wood veneer, or other products.

Off-Bearing? removal of material or refuse directly from a saw table or from the point of operation.

B. Prohibited Occupations. The following occupations involved in operation of power-driven woodworking machines are prohibited:

1. supervising or controlling operation of any woodworking machines;
2. feeding materials into any woodworking machine;
3. helping to feed materials into any woodworking machine;
4. setting up and adjusting, repairing, oiling, or cleaning power-driven woodworking machines;
5. any off-bearing occupations such as removing materials from circular saws and guillotine-action veneer clippers.

C. Operations not considered to be off-bearing are:

1. removal of material or refuse from a circular saw or guillotine-action veneer clipper when such material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means, such as a moving belt or expulsion device;

2. carrying, moving, or transporting materials from one machine to another, or from one part of the plant to another;

3. piling, stacking or arranging materials to be fed into a machine by another person; and

4. sorting, tying, bundling or loading materials into conveyances.

D. Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven woodworking machine occupations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:47 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§513. Occupations Which Involve Operations of Power-Driven Circular Saws, Band Saws, and Guillotine Shears

A. Definitions

Band Saw? a machine which is equipped with an endless steel band which has a continuous series of notches or teeth on one edge. The band runs over wheels or pulleys, and is used to saw material.

Circular Saw? a machine which is equipped with a thin steel disc which has a continuous series of notches or teeth on the peripheral edge, mounted on a shaft, and used for sawing materials.

Guillotine Shears? a machine which is equipped with a movable cutting blade and is operated vertically to shear material.

Helper? any person who assists in operation of a machine by helping to place materials into or remove materials from the machine.

Machine Equipped with Full Automatic Feed and Ejection? any machine which is equipped with devices which automatically feed and eject materials, and has a fixed barrier guard to prevent completely an operator or helper from placing any part of his body in the point of operation.

Operator? any person who operates a machine by performing the functions of starting or stopping the machine, placing materials into or removing materials from the machine, or any other function directly associated with operation of the machine.

B. Prohibited Occupations. Minors are prohibited from working in all occupations which involve operations of power-driven circular saws, band saws, and guillotine shears except in the operation of machines equipped with full automatic feed and ejection.

C. Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven circular saws, band saws, and guillotine shears.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:47 (February 1981), amended by the

Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§515. Power-Driven Metal-Forming, Rolling, Punching, and Shearing Machine Occupations

A. Definitions

Forming, Rolling, Punching, and Shearing Machines? power-driven metal-working machines which change the shape of or cut metals by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving devices.

Helper? any person who assists in the operation of a machine by helping place materials into or removing materials from the machine.

Operator? any person who operates a machine by performing such functions as starting or stopping the machine, placing materials into or removing materials from the machine, or any other function which is directly involved in operation of the machine.

B. Prohibited Occupations. Minors are prohibited from working in occupations as operator or helper on:

1. all rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and on hot or cold rolling mills;

2. all pressing or punching machines, except those which are provided with full automatic feed and ejection, and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies or cutting surfaces;

3. all bending machines, such as apron brakes and press brakes;

4. all hammering machines, such as drop-hammers and power hammers;

5. all shearing machines, such as guillotine or squaring shears, alligator shears and rotary shears;

6. or in setting up, adjusting, repairing, oiling, or cleaning any type of machine described in 515 B.1-5 above, including those with automatic feed and ejection, are prohibited.

C. Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to power-driven metal-forming, rolling, punching, and shearing machine occupations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:47 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§517. Power-Driven Paper-Product Machine Occupations

A. Definitions

Operating or Assisting to Operate? all work involved in starting, stopping, loading materials into, and removing materials from a machine or other work directly involved in operating the machine.

Paper Products Machine? any power-driven machine used to manufacture or convert paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper pulp products, or in any other type of manufacturing or non-manufacturing establishment.

B. Prohibited Occupations

1. Minors are prohibited from operating or assisting to operate any of the following or similar machines: Arm-type wirestitcher, stapler, circular or ban saw, corner cutter or mitering machine, corrugating and single or double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler or vertical slotter, platen die-cutting press, platen printing press and punch press which involves hand-feeding.

2. Minors are prohibited from setting up, adjusting, repairing, oiling, or cleaning above machines, including those which do not involve hand-feeding.

C. Exemptions. Registered apprentices and registered student-learners are exempt from all prohibitions in occupations involving power-driven paper-product machines and equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:47 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§519. Power Driven Bakery Machine Occupations

A. Prohibited Occupations. Minors are prohibited from engaging in the following occupations: operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal dough mixer, batter mixer, bread dividing, rounding, or molding machine; dough brake, dough sheeter, combination slicing and wrapping machine; cake cutting band saw; setting up or adjusting a cookie or cracker machine.

B. Exception. Sixteen or 17 year old minors are not prohibited from operating pizza dough rollers constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers; which have gears that are completely enclosed, and have microswitches that disengage the machinery if the backs or sides of the rollers are removed; provided that such safeguards are present on the machine, are operational, and cannot be overridden.

C. Exemption. Registered apprentices are exempt from all prohibitions affecting occupations involving power-driven baking equipment and machines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor LR 7:47 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§521. Power Driven Hoisting Apparatus Occupations

A. Definitions

Automatic Elevator? a passenger elevator, freight elevator, or a combination freight-passenger elevator. Such elevator is controlled by pushbuttons in such a manner that starting, stopping, going to a landing and holding, and opening and closing car and hoistway doors is entirely automatic.

Automatic Signal Operation Elevator? an elevator which is started in response to operation of a switch in the car which, when operated by the operator, actuates a starting

device which automatically closes the car and hoistway doors, controls movement of the car to a selected landing, holds it when it arrives, and automatically opens the car and hoistway doors.

Crane? a power-driven machine used for lifting and lowering a load and moving it horizontally. The hoisting mechanism is an integral part of the machine. Included are cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, locomotive, motor truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

Derrick? a power-driven apparatus which consists of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes. All types of derricks are included, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff leg derricks.

Elevator? any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. Both passenger and freight elevators are included (also portable elevators and tiering machines). Dumbwaiters are not included.

High-Lift Truck? a power-driven industrial type truck used for lateral transportation, and is equipped with a power-lifting device, usually in the form of a fork or platform capable of tiering loaded pallets one above the other. Instead of a fork or platform, the lifting device may consist of a ram, shovel, scoop, crane, revolving fork, or other attachments for handling specific loads. Such trucks may be known as forklifts, fork trucks, tiering or stacking trucks, front-end loaders, or graders. Not included are low-lift, or low-lift platform trucks which are designed for transportation of, but not tiering of, materials.

Hoist? any power driven apparatus used for raising or lowering a load by application of a pulling force. This includes all types of hoists, such as base-mounted electric, clevis suspension, hood suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

Manlift? a device which is intended for conveyance of persons. It consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain, or similar suspension device. Such chain device operates in a substantially vertical direction, and is supported by, and driven through pulleys, sheaves, or sprockets at top and bottom.

B. Prohibited Occupations. The following occupations are prohibited for minors:

1. operating a crane, derrick, elevator, hoist, or high-lift truck;
2. work which involves riding in a manlift or on a freight elevator, except a freight elevator operated by an assigned operator;
3. assisting in operation of a crane, derrick or hoist; or in work performed by crane;
4. hookers, crane chasers, hookers-on, riggers, rigger helper, and similar occupations.

C. Exemptions. Registered apprentices are exempt from all prohibitions affecting occupations involving power-driven hoisting apparatus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the

Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§523. Wrecking, Demolition, and Shipbreaking Occupations

A. Prohibited Occupations. All work in wrecking, demolition, and shipbreaking is prohibited. This includes cleanup and salvage work, performed at the site of total or partial razing, demolishing, or dismantling a building, tower, bridge, steeple, chimney, or other structure, ship, or other vessel.

B. Exemptions. Registered apprentices are exempt from prohibitions which apply to occupations in wrecking, demolition, and shipbreaking.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§525. Brick, Tile and Kindred Products Manufacturing Occupations

A. Prohibited Occupations. All work in and about establishments in which clay construction products and silica brick are manufactured and in other silica refractories is prohibited with the exceptions listed in 525.B. below.

B. Exemptions. Registered apprentices are exempt from prohibitions which apply to occupations in manufacture of brick, tile and kindred products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§527. Roofing Occupations

A. All occupations in roofing operations are prohibited. These include:

1. installation of roofs, including related metal work, such as flashing, etc.;
2. alterations, additions, maintenance, and repair, including painting and coating existing roofs.

B. Exemptions. Registered apprentices and registered student-learners are exempt from prohibitions which apply to occupations in roofing operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§529. Excavation Occupations

A. Prohibited Occupations. The following occupations are prohibited to minors:

1. excavating, working in, or backfilling trenches which exceed four feet in depth at any point;
2. excavating for buildings or other structures, or working in such excavations which exceed four feet in depth at any point;
3. working within tunnels prior to completion of all driving and shoring operations; and

4. working within shafts prior to the completion of all sinking and shoring occupations.

B. Exemptions. Registered apprentices and registered student-learners are exempt from the prohibitions which apply to occupations in excavation work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§531. Slaughtering, Meat-Packing or Processing, or Rendering Occupations

A. Definitions

Boning Occupation? an occupation which involves removal of bones from meat cuts. It does not include scraping or trimming meat from cuts containing bones.

Curing Cellar? a workroom or workplace which is primarily devoted to preservation and flavoring meat by curing materials. It does not include an area where meat is smoked.

Hide Cellar? a workroom or workplace in which hides are graded, trimmed, slated, and otherwise cured.

Killing Floor? the workroom or workplace in which cattle, hogs, calves, sheep, lambs, goats, or other animals are immobilized, shackled, or killed, and the carcasses are dressed prior to being chilled.

Rendering Plant? any establishment engaged in conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feed, tallow, inedible greases, fertilizer ingredients, and similar products.

Slaughtering and Meat-Packing Establishment? places in and about which cattle, calves, hogs, sheep, lambs, goats, or other animals are killed, butchered, or processed. Including are establishments which manufacture or process meat products or sausage casings from such animals.

B. Prohibited Occupations. The following occupations are prohibited:

1. all occupations on the killing floor, in curing cellars, and in hide cellars;
2. all occupations involved in recovery of lard and oils;
3. all occupations involved in tankage or rendering whether or not in a rendering plant, or a slaughter house;
4. all occupations involved in operating, setting up, adjusting, oiling, or cleaning any power-driven machine used in a slaughtering, meat-packing or processing, or rendering plant;
5. all boning work;
6. all occupations which involve pushing or dropping any suspended carcass, half carcass, or quarter carcass;
7. all occupations involving hand carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

C. Exemptions. Registered apprentices and registered student learners are exempt from prohibitions which apply to occupations involved in slaughtering, meat-packing or processing, or rendering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:48 (February 1981), amended by the

Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§533. Occupations Involving Exposure to Radioactive Substances and Ionizing Radiation

A. All work is prohibited in any workroom in which:

1. radium is stored or used in the manufacture of self-luminous compounds;
2. self-luminous compounds are manufactured, processed, or packaged;
3. self-luminous compounds are stored, used, or worked on;
4. incandescent mantles are made from fabric and solutions containing thorium salts, or where these are packaged or stored;
5. other radioactive substances are present in the air in average concentrations exceeding ten percent of the maximum permissible concentration in air recommended for exposure by the national Committee on Radiation Protection as set forth in the forty-hour week column of Table One of the National Bureau of Standards, Handbook No. 69, entitled Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure, issued June 5, 1959; or
6. any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:49 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§535. Occupations Involving Use of or Contact with Lead or any Other Toxic Substance

A. Any occupation which involves use of or contact with any toxic substance is prohibited. Such occupations include spray painting, transporting, or physically handling such substance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 7:49 (February 1981), amended by the Department of Labor, Office of Labor, LR 17:357 (April 1991), amended by the Department of Labor, Office of Regulatory Services, LR 30:

§535. Welding Occupations

A. Definitions

Welding Machines? shielded metal arc welding machines, gas tungsten arc welding machines, flux-cored arc welding machines, gas metal arc welding machines, and similar machines used to apply heat to a welding rod or continuously fed wire and to metal pieces, melting and fusing the pieces to form a permanent bond.

Soldering, and Brazing Welding Equipment? oxygen and acetylene tanks, acetylene torches, assorted tips and soldering and brazing rods used to apply heat to melt the rods and to fuse the pieces to form a permanent bond.

Welding and Cutting Equipment? oxygen and acetylene tanks, acetylene torches, cutting tips, carbon arc cutting equipment, gouging machines, chipping hammers, wire brushes, power grinders, etc.

B. Prohibited Occupations. Minors are prohibited from working as an operator or helper in the operation of any of the above described machines or equipment.

C. Registered apprentices and registered student-learners are exempt from the prohibitions which apply to occupations in welding occupations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Regulatory Services, LR 30:

§539. Registered Apprentices

A. For purposes of this chapter, *Registered Apprentices* means minors participating in job training programs which have been approved and registered by the Louisiana Department of Labor, Apprenticeship Division in accordance with R.S.23:381, et seq.

B. Registered apprentices are exempt from hazardous occupations prohibitions while participating in job training as an indentured apprentice in a registered program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Regulatory Services, LR 30:

§541. Registered Student Learners

A. For purposes of this chapter, *registered student learners* means minor students participating in job training programs approved by and administered by the Louisiana Office of Career and Technical Education or the Louisiana Community and Technical College System.

B. Registered Student Learners may be exempt from hazardous occupation prohibitions concerning the following equipment and job tasks, provided that all conditions of Subsection C below are met:

1. power-driven woodworking machines;
2. power-driven circular saws, band saws, and guillotine shears;
3. power-driven metal-forming, punching and shearing machines;
4. power-driven paper product machines;
5. roofing operations;
6. excavation operations;
7. slaughtering, meat-packing or processing, or rendering;
8. welding operations.

C. Conditions

1. Such student learner is employed under a written agreement which provides:

a. that the work of the student learner in the occupations declared hazardous shall be incidental to the training;

b. that such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person;

c. that safety instruction shall be given by the school and correlated by the employer with on-the-job training;

d. that a schedule of organized and progressive work processes to be performed on the job shall have been prepared and made a part of the written agreement; and

e. that the written agreement be signed by the school coordinator, the employer, the minor student learner and the student's consenting parent or guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:161.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Regulatory Services, LR 30:

The proposed Rule is available for inspection at the Louisiana Department of Labor, 1001 North Twenty-Third Street, Baton Rouge, LA, from 8 am until 4:30 pm.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, January 26, 2004, to Cecil Formby, Office of Regulatory Services, Minor Labor Law Division, P.O. Box 94094, Baton Rouge, LA 70804-9094, or to 1001 North Twenty-Third Street, Baton Rouge, LA, from 8 am to 4:30 pm.

A public hearing will be held on January 27, 2004 at 10 am in room 244 at the Louisiana Department of labor, 1001 North Twenty-Third Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Dawn Romero Watson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Minor Labor Law**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The amendments to the Rules will not result in any implementation costs or savings to state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Department of Labor is unable to determine whether or not directly affected person or non-governmental groups will experience any costs or economic benefits, but no such costs or economic benefits are expected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some employers may have to make adjustments in their scheduling of staff to accommodate the change in lateness of hour restriction for 16 and 17 year old minors. The Department of Labor is unaware of any factors which might cause additional cost for employers.

Since these Rule changes are being implemented on a state-wide basis, all Louisiana employers who employ minors will be affected in the same manner. Accordingly, these Rule changes should have no effect on competition and employment.

Dawn Romero Watson
Secretary of Labor
0312#056

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

**Motor Carrier Safety and Hazardous Materials
(LAC 33:V.10303)**

The Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, proposes to amend LAC 33:V.10303 pertaining to Motor Carrier Safety and Hazardous Material requirements to restate the revision date of the previously adopted Parts of 49 CFR as authorized by R.S. 32:1501 et seq.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes And Hazardous Materials

Subpart 2. Department Of Public Safety And

Corrections? Hazardous Materials

Chapter 103. Motor Carrier Safety and Hazardous

Materials

**§10303. Federal? Motor Carrier Safety and Hazardous
Materials**

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of October 1, 2003 and contained in the following parts of 49 CFR as now in effect or as hereafter amended, are made a part of this chapter.

Hazardous Material Regulations

Part 171 General Information, Regulations, and Definitions
Part 172 Hazardous Materials Table, Special Provisions, and Hazardous Materials Communications, Emergency Response Information, and Training Requirements

Part 173 Shippers? General Requirements for Shipments and Packagings

Part 177 Carriage by Public Highways

Part 178 Specifications for Packagings

Part 180 Continuing Qualification and Maintenance of Packagings

Motor Carrier Safety Regulations

Part 382 Controlled Substances and Alcohol Use and Testing

Part 383 Commercial Driver's License Standards; Requirements and Penalties

Part 385 Safety Fitness Procedures

Part 390 Federal Motor Carrier Safety Regulations; General

Part 391 Qualifications of Drivers

Part 392 Driving of Commercial Motor Vehicles

Part 393 Parts and Accessories Necessary for Safe Operation

Part 395 Hours of Service of Drivers

Part 396 Inspection, Repair, and Maintenance

Part 397 Transportation of Hazardous Materials; Driving and Parking Rules

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended L.R. 17:1115 (November 1991), LR 19:351 (March 1993), LR 10:58 (January 1994), LR 24:956 (May 1998), LR 24:2321 (December 1998), LR 30:

Family Impact Statement

1. The Effect of these Rules on the Stability of the Family. These rules will have no effect on the stability of the family.

2. The Effect of these Rules on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. These rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of these Rules on the Functioning of the Family. These rules will have no effect on the functioning of the family.

4. The Effect of these Rules on Family Earnings and Family Budget. These rules will have no effect on family earning and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. These rules will have no effect on the behavior and personal responsibility of children.

6. The Effect of these Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These rules will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Interested persons may submit written comments to: Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through January 15, 2004.

Chris A. Keaton
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Motor Carrier Safety and Hazardous
Materials**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There should be no additional costs incurred, nor savings realized, as a result of the adoption of these Rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue as a result of these Rules.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed Rule change readopts by reference federal regulations which have been previously adopted. These regulations have changed the permitted hours of service for drivers in the motor carrier industry and have specified new load securement requirements. The fiscal impact of these new federal regulations cannot be quantified as these new regulations simultaneously permit more driving hours per day while requiring more out of service hours for extended driving periods. The load securement requirements will affect every carrier differently depending on the carrier's previous methods of securing its loads. The new regulations are designed to increase safety on the highways which will result in economic benefits to the driving public by reducing vehicle crashes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These Rules should not affect competition or employment.

Chris A. Keaton
Undersecretary
0312#066

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of the State Fire Marshal**

Fire Codes (LAC 55V.103 and 303)

In accordance with the provisions of R.S. 49:950, et seq. and R.S. 40:1563.F, relative to the authority of the State Fire Marshal to promulgate and enforce Rules, the Office of the State Fire Marshal amends the following Rule.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 1. Preliminary Provisions

§103. General Provisions

A. It shall be the policy of the State Fire Marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative rulings by the State Fire Marshal, that the *Standard Building Code* published by the Southern Building Code Congress International, and the *International Building Code* published by the International Code Council, and the *National Fire Codes* published by the National Fire Protection Association as specifically identified in the following list, shall be used as the resource materials for determinations by the State Fire Marshal.

NFPA 1	2003 Edition	Uniform Fire Code
NFPA 10	2002 Edition	Standard for Portable Fire Extinguishers
NFPA 11	2002 Edition	Standard for Low-, Medium-, and High-Expansion Foam
NFPA 12	2000 Edition	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A	1997 Edition	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13	2002 Edition	Standard for the Installation of Sprinkler Systems
NFPA 13D	2002 Edition	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
NFPA 13R	2002 Edition	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 14	2003 Edition	Standard for the Installation of Standpipe and Hose Systems
NFPA 15	2001 Edition	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16	2003 Edition	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17	2002 Edition	Standard for Dry Chemical Extinguishing Systems
NFPA 17A	2002 Edition	Standard for Wet Chemical Extinguishing Systems
NFPA 18	1995 Edition	Standard on Wetting Agents
NFPA 20	1999 Edition	Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22	2003 Edition	Standard for Water Tanks for Private Fire Protection
NFPA 25	2002 Edition	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	2000 Edition	Flammable and Combustible Liquids Code
NFPA 30A	2000 Edition	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 30B	2002 Edition	Code for the Manufacture and Storage of Aerosol Products
NFPA 31	2001 Edition	Standard for the Installation of Oil-Burning Equipment
NFPA 32	2000 Edition	Standard for Drycleaning Plants
NFPA 33	2000 Edition	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 34	2000 Edition	Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 37	2002 Edition	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 42	2002 Edition	Code for the Storage of Pyroxylin Plastic
NFPA 45	2000 Edition	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 49	1994 Edition	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 50	2001 Edition	Standard for Bulk Oxygen Systems at Consumer Sites
NFPA 50A	1999 Edition	Standard for Gaseous Hydrogen Systems at Consumer Sites
NFPA 50B	1999 Edition	Standard for Liquefied Hydrogen Systems at Consumer Sites
NFPA 51	2002 Edition	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA 51B	1999 Edition	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA 52	2002 Edition	Compressed Natural Gas (CNG) Vehicular Fuel Systems Code
NFPA 53	1999 Edition	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA 54	2002 Edition	ANSI Z223.1-2002 National Fuel Gas Code
NFPA 55	2003 Edition	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks
NFPA 57	2002 Edition	Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code
NFPA 58	2001 Edition	Liquefied Petroleum Gas Code
NFPA 59A	2001 Edition	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
NFPA 61	2002 Edition	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
NFPA 68	2002 Edition	Guide for Venting of Deflagrations
NFPA 69	2002 Edition	Standard on Explosion Prevention Systems

NFPA 70	2002 Edition	National Electrical Code
NFPA 72	2002 Edition	National Fire Alarm Code
NFPA 80	1999 Edition	Standard for Fire Doors and Fire Windows
NFPA 82	1999 Edition	Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 88A	2002 Edition	Standard for Parking Structures
NFPA 88B	1997 Edition	Standard for Repair Garages
NFPA 90A	2002 Edition	Standard for the Installation of Air-Conditioning and Ventilating Systems
NFPA 90B	2002 Edition	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 92A	2000 Edition	Recommended Practice for Smoke-Control Systems
NFPA 92B	2000 Edition	Guide for Smoke Management Systems in Malls, Atria, and Large Areas
NFPA 96	2001 Edition	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
NFPA 99	2002 Edition	Standard for Health Care Facilities
NFPA 99B	2002 Edition	Standard for Hypobaric Facilities
NFPA 101	2003 Edition	Life Safety Code
NFPA 101A	2001 Edition	Guide on Alternative Approaches to Life Safety
NFPA 102	1995 Edition	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA 105	2003 Edition	Standard for the Installation of Smoke Door Assemblies
NFPA 110	2002 Edition	Standard for Emergency and Standby Power Systems
NFPA 111	2001 Edition	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 140	1999 Edition	Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
NFPA 150	2000 Edition	Standard on Fire Safety in Racetrack Stables
NFPA 160	2001 Edition	Standard for Flame Effects Before an Audience
NFPA 170	2002 Edition	Standard for Fire Safety Symbols
NFPA 204	2002 Edition	Standard for Smoke and Heat Venting
NFPA 211	2003 Edition	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 220	1999 Edition	Standard on Types of Building Construction
NFPA 221	2000 Edition	Standard for Fire Walls and Fire Barrier Walls
NFPA 230	2003 Edition	Standard for the Fire Protection of Storage
NFPA 231D	1994 Edition	Standard for Storage of Rubber Tires
NFPA 303	2000 Edition	Fire Protection Standard for Marinas and Boatyards
NFPA 307	2000 Edition	Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
NFPA 407	2001 Edition	Standard for Aircraft Fuel Servicing
NFPA 409	2001 Edition	Standard on Aircraft Hangars
NFPA 415	2002 Edition	Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
NFPA 418	2001 Edition	Standard for Heliports
NFPA 430	2000 Edition	Code for the Storage of Liquid and Solid Oxidizers
NFPA 432	2002 Edition	Code for the Storage of Organic Peroxide Formulations

NFPA 434	2002 Edition	Code for the Storage of Pesticides
NFPA 484	2002 Edition	Standard for Combustible Metals, Metal Powders, and Metal Dusts
NFPA 490	2002 Edition	Code for the Storage of Ammonium Nitrate
NFPA 495	2001 Edition	Explosive Materials Code
NFPA 513	1998 Edition	Standard for Motor Freight Terminals
NFPA 654	2000 Edition	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 664	2002 Edition	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 701	1999 Edition	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
NFPA 703	2000 Edition	Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
NFPA 750	2003 Edition	Standard on Water Mist Fire Protection Systems
NFPA 801	2003 Edition	Standard for Fire Protection For Facilities Handling Radioactive Materials
NFPA 820	1999 Edition	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
NFPA 901	2001 Edition	Standard Classifications for Incident Reporting and Fire Protection Data
NFPA 902	1997 Edition	Fire Reporting Field Incident Guide
NFPA 903	1996 Edition	Fire Reporting Property Survey
NFPA 904	1996 Edition	Incident Follow-up Report Guide
NFPA 906	1998 Edition	Guide for Fire Incident Field Notes
NFPA 909	2001 Edition	Code for the Protection of Cultural Resources
NFPA 914	2001 Edition	Code for Fire Protection of Historic Structures
NFPA 1031	1998 Edition	Professional Qualifications for Fire Inspector and Plan Examiner
NFPA 1123	2000 Edition	Code for Fireworks Display
NFPA 1124	2003 Edition	Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles
NFPA 1126	2001 Edition	Standard for the Use of Pyrotechnics before a Proximate Audience
NFPA 1221	2002 Edition	Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
NFPA 1402	2002 Edition	Guide to Building Fire Service Training Centers
NFPA 1403	2002 Edition	Standard on Live Fire Training Evolutions
NFPA 2001	2000 Edition	Standard on Clean Agent Fire Extinguishing Systems
NFPA 8501	1997 Edition	Standard for Single Burner Boiler Operation
NFPA 8502	1999 Edition	Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers

B. All inspections and other evaluations of buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal for review shall be made utilizing new construction requirements set forth in the *Life Safety Code* published by the National Fire Protection Association and the 'Special Provisions for High-Rise Buildings' Section of the *Standard Building Code* published

by the Southern Building Code Congress International as follows.

Building Constructed Or Remodeled	Life Safety Code Edition	Section / Standard Building Code Edition	Sections / International Building Code Edition
prior to 1/1/1975	1967	-	-
1/1/1975 to 12/31/1979	1973	518 / 1974 Chapter 4 revisions to 1973	-
1/1/1980 to 8/31/1981	1976	518 / 1974 Chapter 4 revisions to 1973	-
9/1/1981 to 8/31/1986	1981	506 / 1979	-
9/1/1986 to 2/18/1989	1985	506 / 1985	-
2/19/1989 to 5/31/1992	1988	506 / 1985	-
6/1/1992 to 1/4/1995	1991	506 / 1988	-
1/5/1995 to 5/31/1998	1994	506 / 1991	-
6/1/1998 to 6/30/2001	1997	412 / 1994	-
7/1/2001 to 12/31/2001	2000	412 / 1994	-
1/1/2002 to 6/30/2004	2000	412 / 1997	-
after 6/30/2004	2003	-	-

C. All references to performance based criteria in the *Life Safety Code* shall only be considered by the Office of State Fire Marshal after an appeal of a decision has been timely made.

D. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:145 (February 1975), amended LR 5:468 (December 1979), LR 6:71 (February 1980), amended by the Office of the State Fire Marshal, LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:96 (February 1989), LR 17:1114 (November 1991), LR 23:1688 (December 1997), LR 27:857 (June 2001), LR 2257 (December 2001), repromulgated LR 29:183 (February 2003), amended LR 30:

Chapter 3. Buildings

§303. Plans and Specifications for New Buildings

A. As of July 1, 2004, the plans and specifications for every structure built or remodeled in the state of Louisiana must be drawn in accordance with the requirements of the 2003 Edition of the *Life and Safety Code* (excluding Chapter 5 and all TIA's) of the National Fire Protection Association. Chapter 5, Performance Based Option, may be used as a basis for appeal equivalency determinations.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:143 (February 1975), amended LR 5:468 (December 1979), LR 6:72 (February 1980), amended by the Office of the State Fire Marshal, LR 7:344 (July 1981), LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 12:116 (February 1986), LR 15:96 (February 1989), LR 17:1115 (November 1991), LR 23:1692 (December 1997), amended LR 30:

Interested persons may submit comments until 4:30 p.m., February 8, 2004, to Tony Walker at 8181 Independence Blvd., Baton Rouge, LA 70806.

V. J. Bella
State Fire Marshal

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Fire Codes

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no significant change in practice or implementation cost.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that there will be no direct 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 purpose of revising the promulgated code editions periodically is to improve preventative measures. A multitude of detailed measures may be modified during each cycle that are not susceptible of meaningful estimation of fiscal impact on the construction and insurance industries. The purpose of the code is to prevent fires. This means the economic benefit would be found in estimating the value of lives and property that do not experience a fire loss as a consequence of the applicable code changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No net effect on competition or employment is anticipated since all entities will be equally effected.

V.J. Bella
State Fire Marshal
0312#026

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Tax Commission**

Ad Valorem Taxation

(LAC 61.V.303, 309, 703, 907, 1103, 1503, 2503,
2703, 2705, 2707, 2711, 2713, 3101, 3105, and 3501)

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 2004 (2005 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 Rule until 4 p.m., January 6, 2004, to Teri V. Callender, Budget Analyst 3, Louisiana Tax Commission, P.O. Box 66788, Baton Rouge, LA 70896.

Russell R. Gaspard
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Ad Valorem Taxation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation costs to the agency are the costs of preparation, reproduction and distributing of updated regulations and complete manuals. These costs are estimated at \$7,500.00 for the 2003-2004 fiscal year and are being reimbursed through an existing user service fee of \$75.00 per entire manual and \$15.00 per set for updates.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Local Governmental Units

These revisions will generally increase certain 2004 real and personal property assessments for property of similar age and condition in comparison with equivalent assessments in 2003. Composite multiplier tables for assessment of most personal property will decrease by .21 percent. Specific valuation tables for assessment of oil and gas wells will generally increase by an estimated 22 percent and drilling rigs will generally increase by an estimated 45 percent. Also, the assessments for AG land will decrease by an estimated 7.5 percent and timberland will increase by an estimated 5 percent. The net effect of these revisions is estimated to increase assessments by 2.2 percent and tax collections by \$14,045,000 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 \$318,000 from public service companies and \$122,000 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 2004 than in 2003. 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 \$440,000 to be paid by public service property owners, financial institutions and insurance companies for 2003/2004.

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 and charges are relatively small, the impact is thought to be minimal.

Vergie A. Booty
Director
0312#102

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Corporation Franchise Tax
(LAC 61:I.301-313 and 317)

Under the authority of R.S. 47:601-617 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to re promulgate LAC 61:I.301-313 and repeal LAC 61:I.317.

Louisiana Administrative Code 61:I.301-313 are being repromulgated to reaffirm the Secretary of Revenue's rulemaking authority with respect to the Louisiana Corporation Franchise Tax. In *Collector of Revenue v. Mossler Acceptance Co.*, 139 So. 2d 263 (La. App. 1st Cir. 1962), the First Circuit held that regulations defining the terms used in the corporation franchise tax statutes went beyond the secretary's authority in R.S. 47:1511 to promulgate Rules regarding "the proper administration and enforcement" of the tax statutes. Since the Mossler decision, R.S. 47:1511 was amended removing the language that the First Circuit determined was a limitation on the secretary's rulemaking authority. Although no taxpayer has relied on Mossler to refute the secretary's rulemaking authority, repromulgation of Sections 301-313 will reaffirm the secretary's authority.

Louisiana Administrative Code 61:I.317, which pertains to corporation franchise tax refunds and credits, is being repealed because it is obsolete and in conflict with R.S. 47:617, which was amended to provide that interest on overpayments will be paid at the rate established pursuant to Civil Code Article 2924(B)(3).

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 3. Corporation Franchise Tax

§301. Imposition of Tax

A. Except as specifically exempted by R.S. 47:608, R.S. 47:601 imposes a corporation franchise tax, in addition to all other taxes levied by any other statute, on all corporations, joint stock companies or associations, or other business organizations organized under the laws of the state of Louisiana which have privileges, powers, rights, or immunities not possessed by individuals or partnerships, all of which are hereinafter designated as *domestic corporations*, for the right granted by the laws of this state to exist as such an organization and on both domestic and foreign corporations for the enjoyment under the protection of the laws of this state of the powers, rights, privileges, and immunities derived by reason of the corporate form of existence and operation. Liability for the tax is created whenever any such organization qualifies to do business in this state, exercises its charter or continues its charter within this state, owns or uses any part of its capital, plant, or any other property in this state, through the buying, selling, or procuring of services in this state, or actually does business in this state through exercising or enjoying each and every act, power, right, privilege, or immunity as an incident to or

by virtue of the powers and privileges acquired by the nature of such organizations.

B. With respect to foreign corporations, R.S. 12:306 generally grants such organizations authority to transact business in this state subject to and limited by any restrictions recited in the certificate of authorization, and in addition thereto provides that they shall enjoy the same, but no greater, rights and privileges as a business or nonprofit corporation organized under the laws of the state of Louisiana to transact the business which such corporation is authorized to contract, and are subject to the same duties, restrictions, penalties, and liabilities (including the payment of taxes) as are imposed on a business or nonprofit corporation organized under the laws of this state. In view of the grant of such rights, privileges, immunities, and the imposition of the same duties, restrictions, penalties, and liabilities on foreign corporations as are imposed on domestic corporations, the exercise of any right, privilege, or the enjoyment of any immunity within this state by a foreign corporation which might be exercised or enjoyed by a domestic business or nonprofit corporation organized under the laws of this state renders the foreign corporation liable for the same taxes, penalties, and interest, where applicable, which would be imposed on a domestic corporation.

C. Thus, both domestic and foreign corporations which enjoy or exercise within this state any of the powers, privileges, or immunities granted to business corporations organized under the provisions of R.S. 12:41 are subject to and liable for the payment of the franchise tax imposed by this Section. R.S. 12:41 recites those privileges to be as follows:

1. the power to perform any acts which are necessary or proper to accomplish its purposes as expressed or implied in the articles of incorporation, or which may be incidental thereto and which are not repugnant to law;
2. without limiting the grant of power contained in §301.C.1, every corporation shall have the authority to:
 - a. have a corporate seal which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced; but failure to affix a seal shall not affect the validity of any instrument;
 - b. have perpetual existence, unless a limited period of duration is stated in its articles of incorporation;
 - c. sue and be sued in its corporate name;
 - d. in any legal manner to acquire, hold, use, and alienate or encumber property of any kind, including its own shares, subject to special provisions and limitations prescribed by law or the articles;
 - e. in any legal manner to acquire, hold, vote, and use, alienate and encumber, and to deal in and with, shares, memberships, or other interests in, or obligations of, other businesses, nonprofit or foreign corporations, associations, partnerships, joint ventures, individuals, or governmental entities;
 - f. make contracts and guarantees, including guarantees of the obligations of other businesses, nonprofit or foreign corporations, associations, partnerships, joint ventures, individuals, or governmental entities, incur liabilities, borrow money, issue notes, bonds, and other obligations, and secure any of its obligations by hypothecation of any kind of property;

g. lend money for its corporate purposes and invest and reinvest its funds, and take and hold property or rights of any kind as security for loans or investments;

h. conduct business and exercise its powers in this state and elsewhere as may be permitted by law;

i. elect or appoint officers and agents, define their duties, and fix their compensation; pay pensions and establish pension plans, pension trusts, profit-sharing plans, and other incentive and benefit plans for any or all of its directors, officers, and employees; and establish stock bonus plans, stock option plans, and plans for the offer and sale of any or all of its unissued shares, or of shares purchased or to be purchased, to the employees of the corporation, or to employees of subsidiary corporations, or to trustees on their behalf; such plans:

i. may include the establishment of a special fund or funds for the purchase of such shares, in which such employees, during the period of their employment, or any other period of time, may be privileged to share on such terms as are imposed with respect thereto; and

ii. may provide for the payment of the price of such shares in installments;

j. make and alter bylaws, not inconsistent with the laws of this state or with the articles, for the administration and regulation of the affairs of the corporation;

k. provide indemnity and insurance pursuant to R.S. 12:83;

l. make donations for the public welfare, or for charitable, scientific, educational, or civic purposes; and

m. in time of war or other national emergency, do any lawful business in aid thereof, at the request or direction of any apparently authorized governmental authority.

D. Thus, the mere ownership of property within this state, or an interest in property within this state, including but not limited to mineral interests and oil payments dependent upon production within Louisiana, whether owned directly or by or through a partnership or joint venture or otherwise, renders the corporation subject to franchise tax in Louisiana since a portion of its capital is employed in this state.

E. The tax imposed by this Section shall be at the rate prescribed in R.S. 47:601 for each \$1,000, or a major fraction thereof, on the amount of its capital stock, determined as provided in R.S. 47:604, its surplus and undivided profits, determined as provided in R.S. 47:605, and its borrowed capital, determined as provided in R.S. 47:603 on the amount of such capital stock, surplus, and undivided profits, and borrowed capital as is employed in the exercise of its rights, powers, and immunities within this state determined in compliance with the provisions of R.S. 47:606 and R.S. 47:607.

F. The accrual, payment, and reporting of franchise taxes imposed by this Section are set forth in R.S. 47:609.

G. In the case of any domestic or foreign corporation subject to the tax herein imposed, the tax shall not be less than the minimum tax provided in R.S. 47:601.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:601.

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:

§302. Determination of Taxable Capital

A. Taxable Capital. Every corporation subject to the tax imposed by R.S. 47:601 must determine the total of its capital stock, as defined in R.S. 47:604, its surplus and undivided profits, as defined in R.S. 47:605, and its borrowed capital, as defined in R.S. 47:603, which total amount shall be used as the basis for determining the extent to which its franchise and the rights, powers, and immunities granted by Louisiana are exercised within this state. Determination of the taxable amount thereof shall be made in accordance with the provisions of R.S. 47:606 and R.S. 47:607, and the rules and regulations issued thereunder by the secretary of Revenue and Taxation.

B. Holding Corporation Deduction. Any corporation which owns at least 80 percent of the capital stock of a banking corporation organized under the laws of the United States or of the state of Louisiana may deduct from its total taxable base, determined as provided in §302.A and before the allocation of taxable base to Louisiana as provided in R.S. 47:606 and R.S. 47:607, the amount by which its investment in and advances to such banking corporation exceeds the excess of total assets of the holding corporation over total taxable capital of the holding corporation, determined as provided in §302.A.

C. Public Utility Holding Corporation Deductions. Any corporation registered under the Public Utility Holding Company Act of 1935 that owns at least 80 percent of the voting power of all classes of the stock in another corporation (not including nonvoting stock which is limited and preferred as to dividends) may, after having determined its Louisiana taxable capital as provided in R.S. 47:602(A), R.S. 47:606, and R.S. 47:607, deduct therefrom the amount of investment in and advances to such corporation which was allocated to Louisiana under the provisions of R.S. 47:606(B). The only reduction for investment in and advances to subsidiaries allowed by this Subsection is with respect to those subsidiaries in which the registered public utility holding company owns at least 80 percent of all classes of stock described herein; the reduction is not allowable with respect to other subsidiaries in which the holding company owns less than 80 percent of the stock of the subsidiary, notwithstanding the fact that such investments in and advances to the subsidiary may have been attributed to Louisiana under the provisions of R.S. 47:606(B). In no case shall a reduction be allowed with respect to revenues from the subsidiary. Any repeal of the Public Utility Holding Company Act of 1935 shall not affect the entitlement to deductions under this Subsection of corporations registered under the provisions of the Public Utility Holding Company Act of 1935 prior to its repeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:602.

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:

§303. Borrowed Capital

A. General

1. As used in this Chapter, *borrowed capital* means all indebtedness of a corporation, subject to the provisions of this Chapter, maturing more than one year from the date incurred, or which is not paid within one year from the date incurred regardless of maturity date.

2. All indebtedness of a corporation is construed to be capital employed by the corporation in the conduct of its business or pursuit of the purpose for which it was organized, and in the absence of a specific exclusion, qualification, or limitation contained in the statute, must be included in the total taxable base. No amount of indebtedness of a corporation may be excluded from borrowed capital except in those cases in which the corporation can demonstrate conclusively that a specific statutory provision permits exclusion of the indebtedness from borrowed capital.

3. In the case of amounts owed by a corporation to a creditor who does not meet the definition of an *affiliated corporation* contained in R.S. 47:603, all indebtedness of a corporation which has a maturity date of more than one year from the date on which the debt was incurred and all indebtedness which has not been paid within one year from the date the indebtedness was incurred, regardless of the maturity or due date of the indebtedness, shall be included in borrowed capital. Determination of the one-year controlling factor is with respect to the original date that the indebtedness was incurred and is not to be determined by any date the debt is renewed or refinanced. The entire amount of long-term debt not having a maturity date of less than one year, which was not paid within the one-year period, constitutes borrowed capital, even though it may constitute the current liability for payment on the long-term debt.

4. The fact that indebtedness which had a maturity date of more than one year from the date it was incurred, was actually liquidated within one year does not remove the indebtedness from the definition of borrowed capital.

5. For purposes of determining whether indebtedness has a maturity date in excess of one year from the date incurred or whether the indebtedness was paid within one year from the date incurred, the following shall apply: With respect to any indebtedness which was extended, renewed, or refinanced, the date the indebtedness was originally incurred shall be the date the extended, renewed, or refinanced indebtedness was incurred. All debt extended, renewed, or refinanced shall be included in borrowed capital if the extended maturity date is more than one year from, or if the debt has not been paid within one year from, that date. In instances of debts which are extended, renewed, or refinanced by initiating indebtedness with a creditor different from the original creditor, the indebtedness shall be construed to be new indebtedness and the one-year controlling factor will be measured from the date that the new debt is incurred.

6. For purposes of determining whether indebtedness has a maturity date in excess of one year from the date incurred or whether the indebtedness was paid within one year from the date incurred, with respect to the amount due on a mortgage on real estate purchased subject to the mortgage, the date the indebtedness was originally incurred

shall be the date the property subject to the mortgage was acquired by the corporation.

7. In the case of amounts owed by a corporation to a creditor who meets the definition of an *affiliated corporation* contained in R.S. 47:603, the age or maturity date of the indebtedness is immaterial. An affiliated corporation is defined to be any corporation which through (a) stock ownership, (b) directorate control, or (c) any other means, substantially influences policy of some other corporation or is influenced through the same channels by some other corporation. It is not necessary that control exist between the corporations but only that policy be influenced substantially. Any indebtedness between such corporations constitutes borrowed capital to the extent it represents capital substantially used to finance or carry on the business of the debtor corporation, regardless of the age of the indebtedness. For this purpose, all funds, materials, products, or services furnished to a corporation for which indebtedness is incurred, except as provided in this section with respect to normal trading accounts and offsetting indebtedness, are construed to be used by the corporation to finance or carry on the business of the corporation; in the absence of a conclusive showing by the taxpayer to the contrary, all such indebtedness shall be included in borrowed capital.

a. To illustrate this principle, assume:

- i. Corporation A? Parent of B, C, D, and E;
- ii. Corporation B? Nonoperating, funds flow conduit, owning no stock in C, D, or E;
- iii. Corporation C? Other Corporation;
- iv. Corporation D? Other Corporation;
- v. Corporation E? Other Corporation;
- vi. any funds furnished by the parent A to either B, C, D, or E constitute either a contribution to capital or an advance which must be included in the taxable base of the receiving corporation;
- vii. any funds supplied by D or E to C, whether or not channeled through A or B, would constitute borrowed capital to C, and the indebtedness must be included in the taxable base. In the absence of a formal declaration of a dividend from D or E to A, the funds constitute an advance to A by D or E and borrowed capital to A. In all such financing arrangements, the multiple transfers of funds are held to constitute capital substantially used to carry on each taxpayer's business.

8. The amount that normal trading-account indebtedness bears to capitalization of a debtor determines to what extent said indebtedness constitutes borrowed capital substantially used to finance or carry on the business of the debtor. Due consideration should also be given to the debtor's ability to have incurred a similar amount of indebtedness, equally payable as to terms and periods of time.

9. In the case of equally demandable and payable indebtedness of the same type between two corporations, wherein each is indebted to the other, only the excess of the amount due by any such corporation over the amount of its receivable from the other corporation shall be deemed to be borrowed capital.

10. With respect to any amount due from which debt discount was paid upon inception of the debt, that portion of the unamortized debt discount applicable to the indebtedness which would otherwise constitute borrowed capital shall be eliminated in calculating the amount of the indebtedness to be included in taxable base.

B. Exclusions from Borrowed Capital

1. Federal, State and Local Taxes. R.S. 47:603 provides that an amount equivalent to certain indebtedness shall not be included in borrowed capital. With respect to accruals of federal, state, and local taxes, the only amounts which may be excluded are the tax accruals determined to be due to the taxing authority or taxes due and not delinquent for more than 30 days. In the case of reserves for taxes, only so much of the reserve as represents the additional liability due at the taxpayer's year-end for taxes incurred during the accrual period may be excluded. Any amount of the reserve balance in excess of the amount additionally due for the accrual period shall be included in the taxable base, since the excess does not constitute a reserve for a definitely fixed liability. This *additional amount due* is determined by subtracting the taxpayer's tax deposits during the year from the total liability for the period. All reserves for anticipated future liabilities due to accounting and tax timing differences shall be included in the taxable base. Any taxes which are due and are delinquent more than 30 days must be included in borrowed capital. For purposes of determining whether taxes are delinquent, extensions of time granted by the taxing authority for the filing of the tax return or for payment of the tax shall be considered as establishing the date from which delinquency is measured.

2. Voluntary Deposits

a. The liability of a taxpayer to a depositor created as the result of advances, credits, or sums of money having been voluntarily left on deposit shall not constitute borrowed capital if:

i. said moneys have been voluntarily left on deposit to facilitate the transaction of business between the parties; and

ii. said moneys have been segregated by the taxpayer and are not otherwise used in the conduct of its business.

b. Neither the relationship of the depositor to the taxpayer nor the length of time the deposits remain for the intended purpose has an effect on the amount of such liability which shall be excluded from borrowed capital.

3. Deposits with Trustees

a. The principal amount of cash or securities deposited with a trustee or other custodian or segregated into a separate or special account may be excluded from the indebtedness which would otherwise constitute borrowed capital if such segregation is fixed by a prior written commitment or court order for the payment of principal or interest on funded indebtedness or other fixed obligations. In the absence of a prior written commitment or court order fixing segregation of the funds or securities, no reduction of borrowed capital shall be made with respect to such deposits or segregated amounts.

b. Whenever a liability for the payment of dividends theretofore lawfully and formally authorized would constitute borrowed capital as defined in this Section, an amount equivalent to the amount of cash or securities deposited with a trustee or other custodian or segregated into a separate or special account for payment of the dividend liability may be excluded from borrowed capital.

4. Receiverships, Bankruptcies and Reorganizations. In the case of a corporation having indebtedness which could have been paid from cash and temporary investments on hand which were not currently needed for working capital and in which case the corporation has secured approval or allowance by the court of the petition for receivership, bankruptcy, or reorganization under the bankruptcy law, after such allowance or approval by the court of the taxpayer's petition, the taxpayer may then reduce the amount which would otherwise constitute borrowed capital by the amount of cash or temporary investment which it could have paid on the indebtedness prior to such approval, to the extent that they are permitted to make such payments under the terms of the receivership, bankruptcy, or reorganization proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:603.

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:

§304. Capital Stock

A. For the purpose of determining the amount of capital stock upon which the tax imposed by R.S. 47:601 is based, such stock shall in every instance have such value as is reflected on the books of the corporation, subject to whatever increases to the recorded book values may be found necessary by the secretary of Revenue and Taxation to reflect the true value of the stock. In no case shall the value upon which the tax is based be less than is shown on the books of the corporation.

B. In any case in which capital stock of a corporation has been issued in exchange for assets, the capital stock shall have a value equal to the fair market value of the assets received in exchange for the stock, plus any intangibles received in the exchange, except as provided in the following Subsection.

C. In any such case in which capital stock of a corporation is transferred to one or more persons in exchange for assets, and the only consideration for the exchange was stock or securities of the corporation, and immediately after the exchange such person or persons owned at least 80 percent of the total voting power of all voting stock and at least 80 percent of the total number of shares of all of the stock of the corporation, the value of the stock exchanged for the assets so acquired shall be the same as the basis of the assets received in the hands of the transferor of the assets, plus any intangibles received in the exchange. The only other exception to the rule that capital stock exchanged for assets shall have such value as equals the fair market value of the assets received and any intangibles received is in the case of stock issued in exchange for assets in a reorganization, which transaction was fully exempt from the tax imposed by the Louisiana

income tax law, in which case the value of the stock shall have a value equal to the basis of the assets received in the hands of the transferor of the assets, plus any intangibles received.

D. In any case in which an exchange of stock of a corporation for assets resulted in a transaction taxable in part or in full under the Louisiana income tax law, the value of the stock so exchanged shall be equal to the fair market value of all of the assets received in the exchange, including the value of any intangibles received.

E. Capital stock, valued as set forth heretofore, shall include all issued and outstanding stock, including treasury stock, fractional shares, full shares, and any certificates or options convertible into shares.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:604.

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:

§305. Surplus and Undivided Profits

A. Determination of Value? Assets

1. For the purpose of determining the tax imposed by R.S. 47:601, there are statutory limitations on both the maximum and minimum amounts which shall be included in the taxable base with respect to surplus and undivided profits. The minimum amount which shall be included in the taxable base shall be no less than the amount reflected on the books of the taxpayer. Irrespective of the reason for any book entry which increases the franchise tax base, such as, but not limited to, entries to record asset appreciation, entries to reflect equity accounting for investments in affiliates or subsidiaries, and amounts credited to surplus to record accrual of anticipated future tax refunds created by accounting timing differences, the amount reflected on the books must be included in the tax base.

2. Entries to the books of any corporation to record the decrease in value of any investment through the use of equity accounting will be allowed as a reduction in taxable surplus and its related asset account for property factor purposes. This is only in those cases in which all investments are recorded under the principles of equity accounting, and such reductions in the value of any particular investment below cost thereof to the taxpayer will not be allowed. The exception is in those instances in which the taxpayer can show that such reduction is in the nature of a bona fide valuation adjustment based on the fair value of the investment. In no case will a reduction below zero value be recognized. Corresponding adjustments shall in all instances be made to the value of assets for property factor purposes.

3. In any instance in which an asset is required to be included in the property factor under the provisions of R. S. 47:606 and the regulations issued thereunder, the acquisition of which resulted in the establishment of a contra account, such as, but not limited to, an account to record unrealized gain from an installment sale, all such contra accounts shall be included in the taxable base, except to the extent such contra accounts constitute a reserve permitted to be excluded under the provisions of R.S. 47:605(A) and the regulations issued under §305.A. See §306.A for required adjustments to

assets with respect to any contra account or reserve which is not included in the taxable base.

4. The minimum value under the statute is subject to examination and revision by the secretary of Revenue and Taxation. The recorded book value of surplus and undivided profits may be increased, but not in excess of cost, as the result of such examination to the extent found necessary by the secretary to reflect the true value of surplus and undivided profits. The secretary is prohibited from making revisions which would reflect any value below the amount reflected on the books of the taxpayer. A taxpayer may, in his own discretion, reflect values in excess of cost; that option is not extended to the secretary in any examination of recorded cost.

5. In determining cost to which the revisions limitation applies, the fair market value of any asset received in an exchange of properties shall be deemed to constitute the cost of the asset to the taxpayer under the generally recognized concept that no prudent person will exchange an article of value for one of lesser value. In application of that concept, the secretary of Revenue and Taxation shall, except as provided in the following Paragraphs, construe cost of any asset to be fair market value of the asset received in exchange therefor.

6. Exception to the rules stated above will be made only in those instances in which the exchange resulted in a fully tax-free exchange under provisions of the Louisiana income tax law, in which case cost shall be construed to be the income tax basis of the properties received for purposes of calculating depreciation and the determination of gain or loss on any subsequent disposition of the assets. Limitation of the valuation of the cost of any asset to the income tax basis will be considered only in the case of fully tax-free exchanges and will not be considered if the transaction was taxable to any extent under the provisions of the Louisiana income tax law contained in R.S. 47:131, 132, 133, 134, 135, 136, and 138.

B. Determination of Value? Reserves

1. There must be included in the franchise taxable base determined in the manner heretofore described, all reserves other than those for:

- a. definitely fixed liabilities;
- b. reasonable depreciation (or amortization), but only to the extent recorded on the books of the taxpayer, except as noted in the following paragraphs with respect to taxpayers subject to regulations of governmental agencies controlling the books of such taxpayers;
- c. bad debts; and
- d. other established valuation reserves.

2. No deduction from surplus and undivided profits shall be made with respect to any reserve for contingencies of any nature, without regard to whether the reserve is partially or fully funded. Reserves for future liability for income taxes shall not be excluded from the tax base. Deferred federal income tax accounts may be netted in determining the amount of reserve to be included in the taxable base. Reserves for fixed liabilities shall be included in the taxable base to the extent that they constitute borrowed capital under the provisions of R.S. 47:603 and the regulations issued thereunder.

3. In addition to the four classifications of reserves which may be excluded from the taxable base, any amount of surplus which has been set aside and segregated pursuant to a court order so as not to be available for distribution to stockholders or for investment in properties which would produce income which would be distributable to stockholders may also be excluded from the taxable base.

C. Adjustment by regulated companies for depreciation sustained but not recorded. When, because of regulations of a governmental agency controlling the books of a taxpayer, the taxpayer is unable to record on its books the full amount of depreciation sustained, the taxpayer may apply to the collector of revenue for permission to add to its reserve for depreciation and deduct from its surplus the amount of depreciation sustained but not recorded, and if the collector finds that the amount proposed to be so added represents a reasonable allowance for actual depreciation, he shall grant such permission.

1. Permission to add to depreciation reserves and reduce surplus must be requested in advance and shall be granted only in those instances in which a governmental agency requires that the books of the corporation reflect a depreciation method under which the total accumulated depreciation reflected on the books is less than would be reflected if the straight-line method of depreciation had been applied from the date of acquisition of the asset. The period over which depreciation shall be computed shall be the expected useful life of the asset.

2. The amount of adjustment shall be the amount of accumulated depreciation which would be reflected on the books if the straight-line method had been applied from the date of acquisition of the asset, less the amount of accumulated depreciation actually reflected on the books.

3. Permission granted by the secretary shall be automatically revoked upon a material change in the facts and circumstances presented by the taxpayer.

4. Permission granted by the secretary shall be for a period of six years, at which time the taxpayer must reapply for permission to continue making the adjustment.

D. For purposes of this Chapter, reserves include all accounts appearing on the books of a corporation that represent amounts payable or potentially payable to others. However, the term reserves shall not include accounts included in capital stock as used in R.S. 47:604 and shall not include accounts that represent indebtedness, regardless of maturity date, as indebtedness is used in R.S. 47:603.

E. For purposes of this Chapter, the term assets shall mean all of a corporation's property and rights of every kind. The definition of the term assets for corporation franchise tax purposes may differ from the definition of assets for general accounting purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:605.

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), LR 28:1995 (September 2002), LR 29:1520 (August 2003), repromulgated by the Department of Revenue, Policy Services Division, LR 30:

§306. Allocation of Taxable Capital

A. General Allocation Formula. Every corporation subject to the tax imposed by this chapter must determine

the extent to which its entire franchise taxable base is employed in the exercise of its franchise within this state. The extent of such use of total taxable base in the state is determined by multiplying the total of all issued and outstanding capital stock, surplus and undivided profits, and borrowed 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.

1. Net Sales and Other Revenue. Net sales to be combined with other revenue in determining both the numerator and denominator of the revenue factor for purposes of calculating the portion of the taxpayer's total capital stock, surplus and undivided profits, and borrowed 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 in order to determine whether they constitute sales made to customers which should be included in the sales factor or whether they constitute exchanges which are not sales and should be excluded from the sales factor. Sales of scrap materials and by-products are construed to meet the requirements for inclusion in the sales factor. Sales made other than to customers, such as, but not limited to, sales of stocks, bonds, 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 factor. Similarly, revenues and/or gains on the sale of property other than stock in trade shall not be included in the revenue factor 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 determined to be a sale which is not to be included as 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 made to customers in the regular course of business 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-vendor 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. The attribution of sales to each state is based upon actual delivery rather than technical or constructive delivery.

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. Sales to a Pipeline Company. The sale of natural resources to a pipeline company is attributable to the state in which the goods are placed in the pipeline. Such purchasers are engaged in the business of moving or transporting their own property through their own lines. Thus, all transportation of the natural resources after introduction into the line is related to the use or sale by the pipeline, and is not related to the sale by the taxpayer.

iv. Transportation of Natural Resources by a Public Carrier Pipeline

(a). Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier, that is, actual delivery to the purchaser controls, rather than technical or constructive delivery. 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 carrier 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 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, but not any specific oil.

(b). In situations involving several deliveries in several different states to one or more purchasers, the general rules should be applied. To illustrate, consider the incident where three different taxpayers, A, B, and C, all in Texas, each sells to X Refinery, in Louisiana, 10,000 barrels of crude oil, shipped F.O.B. Texas by public carrier pipeline.

(i). If X Refinery receives all 30,000 barrels in Louisiana, each taxpayer must attribute his total sale to Louisiana.

(ii). If X Refinery receives 10,000 barrels in Louisiana, 10,000 barrels in Mississippi, and 10,000 barrels in Alabama, it cannot be said by any taxpayer that all of his sale was received either in Louisiana or in one of the other states. Since each taxpayer contributed one-third of the mass of commingled crude oil, it follows that one-third of each taxpayer's sale was received in Louisiana, and must be attributed to Louisiana accordingly.

(iii). To further illustrate, consider the incident of the three different taxpayers, A, B, and C, in Texas, selling to three different purchasers, X Refinery in Louisiana, Y Refinery in Mississippi, and Z Refinery in Alabama. The same rules governing the problems set forth above are applicable.

(iv). If A sells to X Refinery, in Louisiana, and delivery is by public carrier pipeline, the oil is received in Louisiana and the entire sale is attributed to Louisiana, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline with oil sold by B and C to Y Refinery and Z Refinery.

(v). If A sells to X, B to Y, and C to Z, with X, Y, and Z receiving a portion of their purchases in Louisiana, in Mississippi, and in Alabama, that portion received by X, Y, and Z in Louisiana must be attributed to Louisiana by A, B, and C.

v. 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 transportation after 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. Other revenues received by a corporation engaged primarily in the business of transportation of passengers and cargo shall be attributed within and without this state in accordance with the processes and formulas provided elsewhere in the regulations issued under this section for the particular type of revenue received.

c. Revenue from Transportation for Others through Pipelines

i. Revenues derived from the transportation of crude petroleum, natural gas, petroleum products, or other commodities for others through pipelines shall be attributed to this state on the basis of the ratio of the number of units of transportation performed in Louisiana to the total of such units of transportation. In the case of transportation performed entirely within this state, total revenues from the transportation shall be attributed to Louisiana.

ii. In the case of transportation performed partly within and partly without Louisiana, revenue from such transportation shall be attributed to this state in the following manner.

(a). Crude Petroleum and Liquid Petroleum Products. Revenues from the transportation of crude petroleum and liquid petroleum products shall be attributed to this state upon the ratio which the number of barrels of such liquid transported times the number of miles transported within Louisiana bears to the total number of such barrels transported times the total number of miles transported both within and without Louisiana.

(b). Natural Gas. Revenues from the transportation of natural gas shall be attributed to this state upon the ratio which the number of thousand cubic feet of natural gas transported within this state times the number of miles transported within Louisiana bears to the total number of thousand cubic feet of such gas transported times the total number of miles such gas transported both within and without Louisiana.

(c). Other Commodities

(i). Revenues from the transportation of other commodities shall be attributed to this state upon the ratio which the number of tons of such commodities transported within Louisiana times the number of miles transported within Louisiana bears to the total number of tons of such commodities transported times the total number of miles transported both within and without Louisiana.

(ii). In any case in which the prescribed ratio for the particular commodity does not represent the basis upon which the transportation charges are calculated, the ratio used as the basis for attributing revenues to this state shall be the unit of measurement upon which the charges are based times the number of miles which the commodity is transported within this state to the total of such units times the total number of miles the commodity is transported both within and without Louisiana. Whenever the information is not readily available with which to calculate the required units of transportation, the secretary of Revenue and Taxation may require the use of any method deemed reasonable.

(iii). Other revenues received by a corporation engaged primarily in the business of transporting commodities for others through pipelines shall be attributed within and without this state in accordance with the processes and formulas provided elsewhere in the

regulations issued under this Section for the particular kind or type of revenue received.

d. Revenue Derived from Transportation Other Than by Aircraft or Pipeline. Revenue attributable to Louisiana from transportation other than by aircraft or pipeline shall include all such revenues derived from such transportation entirely within Louisiana and shall also include a pro rata portion of revenue from transportation performed partly within and partly without Louisiana, such pro rata portion to be based on the number of units of transportation service performed in Louisiana to the total of such units. The revenue to be attributed will be calculated separately for each of the various types of transportation service. A unit of transportation service for each of the various types shall consist of the following:

i. in the case of the transportation of passengers, the transportation of one passenger a distance of one mile;

ii. in the case of transportation of liquid commodities, the transportation of one barrel of the commodity a distance of one mile;

iii. in the case of transportation of property other than liquids, the transportation of one ton of property a distance of one mile;

iv. in the case of the transportation of a liquid commodity or other property when barrels or tons are not the common basis for the transportation charges, the quantity used as the basis for calculating total transportation charges for a distance of one mile shall be used. In the determination of miles within Louisiana, one-half of the mileage of all navigable streams bordering on both Louisiana and another state shall be considered Louisiana miles.

v. In the case where another method would more accurately reflect revenue from transportation attributable to the service performed in Louisiana, or when the information is not readily available with which to calculate the required units of transportation, the secretary of Revenue and Taxation may require the use of any alternate method deemed reasonable.

vi. Other revenues received by a corporation engaged primarily in the business of transportation other than by aircraft or pipeline shall be attributed to Louisiana in accordance with the processes and formulas provided elsewhere in the regulations issued under this section for the particular type of revenue received.

e. Revenue from Services Other Than from Transportation

i. Revenue derived from services other than from transportation shall be attributed to the state in which the services are rendered. In the case of services in which property is not a material revenue-producing factor, the services shall be presumed to have been performed in the state in which the personnel engaged in rendering the services are located. In the case of services in which personnel and property are material revenue-producing factors, such revenue shall be attributed within and without this state on the basis of the arithmetical average of the following two ratios:

(a). the ratio that salaries and wages paid to personnel performing such services within Louisiana bear to

total salaries and wages for personnel performing such services both within and without Louisiana; and

(b). the ratio that the value of property used in Louisiana in performing the services (whether owned by the taxpayer or not) bears to the total value of all property used in performing the services both within and without Louisiana.

ii. 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.

f. 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 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.

g. 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. For purposes of this Section, 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.

h. 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. Commercial domicile cannot be assigned to a state where the taxpayer has no substantial operation or facility, other than the location of one or more management level employees. 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.

i. 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.

j. 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.

k. All Other Revenues

i. All revenues which are not specifically described in §306.A.1.a-j 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. For purposes of this Chapter, revenues from partnerships shall be attributed within and without Louisiana based on the percentage of the partnership's capital employed in Louisiana, determined by the arithmetical average of the following two ratios:

(a). The ratio that the partnership's net sales and other revenue in Louisiana bear to the partnership's total net sales and other revenue everywhere as described in R.S. 47:606(A)(1) and subparts thereunder; and

(b). The ratio that the partnership's Louisiana property bears to the partnership's total property everywhere as described in R.S. 47:606(A)(2) and subparts thereunder.

iv. For the purposes of this Chapter, the term *partnership* includes a syndicate, group, pool, joint venture, or other unincorporated organizations 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 of

Revenue and Taxation 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. Specific rules as contained in the governing statute prescribe the state to which any asset will be allocated. Those rules are as follows:

a. Cash on Hand. Cash on hand shall be allocated to the state in which the cash is physically located.

b. Cash in Banks and Temporary Investments. 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. 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 of Revenue and Taxation 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. 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 Other Than Temporary Cash Investments, Trade Notes and Accounts, and Advances To a Parent or Subsidiary. 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.h 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. 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. See §306.A.1.h relative to *business situs* and *commercial domicile*.

g. Immovable and Corporeal Movable Property. 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 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 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 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 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 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 two hundred pounds;

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 of Revenue and Taxation may require the allocation of the value of the property on the basis of any method deemed reasonable.

h. All Other Assets. 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 percentage of the partnership's capital employed in Louisiana, determined by the arithmetical average of the following two ratios:

i. the ratio that the partnership's net sales and other revenue in Louisiana bear to the partnership's total net sales and other revenue everywhere as described in R.S. 47:606(A)(1) and subparts thereunder; and

ii. the ratio that the partnership's Louisiana property bears to the partnership's total property everywhere as described in R.S. 47:606(A)(2) and subparts thereunder. See §306.A.1.k.iv for the definition of a partnership.

B. Allocation of Intercompany Items

1. Without regard to the legal or commercial domicile of a corporation subject to the tax imposed by this Chapter, and without regard to the business situs of investments in or advances to a subsidiary or parent corporation by a corporation subject to the tax imposed by this Chapter, 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 tax imposed by this Chapter to Louisiana.

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 for purposes of application of this subsection, 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 minimum tax on preferential items of income; 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 which 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. For purposes of this Subsection, 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 issued and outstanding capital stock, surplus and undivided profits, and borrowed capital upon which the tax imposed by this Chapter 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:

§308. Exemptions

A. General

1. Corporations organized for the purposes described in §308.B.1-15 of this Section are fully exempt from the payment of Louisiana Corporation Franchise Tax. Only those corporations which meet the prescribed standards of organization, ownership, control, sources of income, and disposition of funds are exempt from the tax, whether or not they may enjoy exemption from any other tax, federal, state, or local, or whether or not they may be specifically exempted from all taxes under the laws of the state in which they were organized, chartered, or domiciled.

2. A corporation is not exempt from the corporation franchise tax merely because it is a nonprofit organization. In each case, an organization other than those described in §308.B.1.a.ii and iii as limited by §308.B.1.c.i and ii, must file a verified application for exemption with the secretary of Revenue and Taxation which shall include an affidavit showing, in addition to such other information as the secretary may deem necessary from any particular applicant, the following:

- a. character of the organization;
- b. purpose for which organized;
- c. its actual activities;
- d. ownership of stock in the corporation;
- e. the source of its income;
- f. the disposition of its income;
- g. whether or not any of its income is credited to surplus, and if so, the intended future use of the retained amounts;
- h. whether any of its income may inure to the benefit of any shareholder or individual;
- i. a copy of the charter or articles of incorporation;
- j. bylaws of the organization;

k. the latest statement of the assets, liabilities, receipts, and disbursements;

l. any other facts relating to its operations which affect its right to exemption from the tax; and

m. a copy of the ruling or determination letter issued by the federal Internal Revenue Service.

3. The required application for exemption may be filed by an organization before it has started operations or at any time it can describe its operations in sufficient detail to permit a conclusion that it will be clearly exempt under the particular requirements of the Section for which the exemption is sought.

4. Once the secretary has issued a ruling or determination letter that an organization, except those described in §308.B.1.a.ii and iii, as limited by §308.B.1.c.i and ii, meets the exemption requirements, there is no mandatory provision that it make a return or any further showing that it meets the specified requirements unless it changes the character of its organization or operations. The secretary reserves the right to review any exemption granted, and may require the filing of whatever information deemed necessary to permit proper evaluation of the exempt status.

5. No exemption will be granted to a corporation, other than those described in §308.B.1.a.ii and iii, as limited by §308.B.1.c.i and ii, organized and operated for the purpose of carrying on a trade or business for profit, even though its entire income may be contributed or distributed to another organization or organizations which are themselves exempt from the tax.

6. An application for exemption filed by a corporation under either the Louisiana income tax law or the Louisiana corporation franchise tax law may be accepted by the secretary as fulfilling the application requirements under both laws. Taxpayers are cautioned, however, that approval of exemption under either law does not grant exemption under the other law in the absence of a statement contained in the ruling to that effect.

7. A corporation is either entirely exempt from the corporation franchise tax law or it is wholly taxable. There is no statutory provision under which partial exemption may be granted.

B. Exempt Corporations

1. Labor, Agricultural or Horticultural Organizations

a. Labor, agricultural, or horticultural organizations which are exempt under this provision are those corporations which have:

i. no net income inuring to the benefit of any stockholder or member and are educational or instructive in character, and have as their objects the betterment of conditions of those engaged in such pursuits, or improvements of the grade of their respective occupations; or

ii. at least 75 percent of the beneficial ownership held by or for the benefit of members, or the spouses of members of a family, and at least 80 percent of total gross income is from the production, harvesting, and preparation for market of products produced by the corporation; or

iii. at least 80 percent of total gross income of the corporation derived from the production, harvesting, and preparation for market of products produced by the corporation, but only if total gross income of such corporation did not exceed \$500,000 for the previous year.

b. For purposes of this Subsection, *agricultural* includes the art or science of cultivating land, harvesting crops or aquatic resources, excluding minerals, or raising livestock, poultry, fish, and crawfish. Thus, the following types of organizations (but not limited thereto) which meet the requirements of §308.B.1.a.i, will be deemed to be exempt from the tax:

i. an organization engaged in the promotion of artificial insemination of livestock;

ii. a nonprofit organization of growers and producers formed principally to negotiate with processors for the price to be paid to members for their produce;

iii. a nonprofit organization of persons engaged in raising fish (or crawfish) as a cash crop on farms that were formed to encourage better and more economical methods of fish farming and to promote the interest of its members; or

iv. parish fairs and like organizations formed to encourage the development of better agricultural and horticultural products through a system of awards, and whose income is used exclusively to meet the necessary expenses of upkeep and operations.

c. corporations engaged in growing agricultural or horticultural products for profit are not exempt from the tax, except as provided in §308.B.1.a.ii and iii, subject to the following limitations:

i. any corporation engaged in the production, harvesting, and preparation for market of raw agricultural products or horticultural products produced by it and that has at least 80 percent of its gross income from such pursuits is exempt from corporation franchise tax, but only if 75 percent or more of the beneficial ownership in such corporation is held by or for the benefit of a single family. For purposes of this Paragraph, a single family shall consist of brothers, sisters, spouses, ancestors, and lineal descendants, including those legally adopted;

ii. any corporation engaged in the production, harvesting, and preparation for market of raw agricultural or horticultural products produced by such corporation is exempt from corporation franchise tax, but only if:

(a). at least 80 percent of its income is from such activity; and

(b). total gross income of the corporation for the previous year did not exceed \$500,000.

2. Mutual Savings Banks, National Banking Corporations and Banking Corporations Organized under the Laws of Louisiana, and Building and Loan Associations

a. Mutual savings banks, national banking corporations, and building and loan associations are exempt from the tax imposed by this Chapter regardless of where organized.

b. Banking corporations organized under the laws of the state of Louisiana which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock, are exempt.

c. Banking corporations, other than those described in §308.B.2.a and b above, organized under the laws of a state other than the state of Louisiana are not exempt from the tax.

3. Fraternal Beneficiary Societies, Orders or Associations Operating Under the Lodge System. Fraternal

beneficiary societies, orders, or associations are exempt from tax only if operated under the *lodge system* or for the exclusive benefit of the members of a fraternity itself operating under the lodge system. *Operating under the lodge system* means carrying on its activities under a form of organization that comprises local branches, chartered by a parent organization, and largely self-governing, called lodges, chapters, or the like. In order to be exempt, it is necessary that the organization have an established system for the payment of life, sick, accident, or other benefits to its members or their dependents.

4. Cemetery Companies

a. Cemetery companies are exempt from the corporation franchise tax if:

i. they are owned and operated exclusively for the benefit of their lot owners who hold such lots for bona fide burial purposes and not for the purpose of resale, or they are not operated for profit;

ii. they are not permitted by their charter to engage in any business not necessarily incident to burial purposes; and

iii. no part of their net earnings inures to the benefit of any private shareholder or individual.

b. For purposes of this Paragraph, a nonprofit corporation engaged in the operation of a crematory, which otherwise meets the exemption qualifications set forth herein, will be deemed to be an exempt cemetery company.

c. Such companies may issue preferred stock entitling the holders to dividends at a fixed rate not exceeding 8 percent per annum on the value of the consideration for which the stock was issued, but only if the articles of incorporation require that the preferred stock shall be retired at par as soon as sufficient funds available therefor are realized from sales, and that all funds not required for the payment of dividends or for retirement of the preferred stock shall be used for the care and improvement of the cemetery property.

5. Community Chests, Funds or Foundations

a. Organizational and Operational Tests

i. In order to be exempt as an organization described in R.S. 47:608(5), an organization must be both organized and operated exclusively for one or more of the purposes specified in such section. If an organization fails to meet either the organizational test or the operational test, it is not exempt.

ii. The term *exempt purpose or purposes* as used in this Section means any purpose or purposes specified in R.S. 47:608(5), as defined and elaborated in Subparagraph d of this Section (see §308.B.5.d).

b. Organizational Test

i. In General

(a). An organization is organized exclusively for one or more exempt purposes only if its articles of organization (referred to in this Section as *its articles*) as defined in §308.B.5.b.ii:

(i). limit the purposes of such organization to one or more exempt purposes; and

(ii). do not expressly empower the organization to engage, otherwise than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of one or more exempt purposes.

(b). In meeting the organizational test, the organization's purposes, as stated in its articles, may be as broad as, or more specific than, the purposes stated in R.S. 47:608(5). Therefore, an organization which, by the terms of its articles, is formed for *literary and scientific purposes*, within the meaning of R.S. 47:608(5) shall, if it otherwise meets the requirements in this Paragraph, be considered to have met the organizational test. Similarly, articles stating that the organization is created solely to receive contributions and pay them over to organizations which are described in R.S. 47:608(5) and exempt from taxation under R.S. 47:608(5) are sufficient for purposes of the organizational test. Moreover, it is sufficient if the articles set forth the purpose of the organization to be the operation of a school for adult education and describe in detail the manner of the operation of such school. In addition, if the articles state that the organization is formed for *charitable purposes*, such articles ordinarily shall be sufficient for purposes of the organizational test (see §308.B.5.b.v) for rules relating to construction of terms.

(c). An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it to carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more exempt purposes, even though such organization is, by the terms of such articles, created for a purpose that is no broader than the purposes specified in R.S. 47:608(5). Thus, an organization that is empowered by its articles *to engage in a manufacturing business*, or *to engage in the operation of a social club* does not meet the organizational test regardless of the fact that its articles may state that such organization is created for *charitable purposes* within the meaning of R.S. 47:608(5).

(d). In no case shall an organization be considered to be organized exclusively for one or more exempt purposes if, by the terms of its articles, the purposes for which such organization is created are broader than the purposes specified in R.S. 47:608(5). The fact that the actual operations of such an organization have been exclusively in furtherance of one or more exempt purposes shall not be sufficient to permit the organization to meet the organizational test. Similarly, such an organization will not meet the organizational test as a result of statements or other evidence that the members thereof intend to operate only in furtherance of one or more exempt purposes.

(e). An organization must, in order to establish its exemption, submit a detailed statement of its proposed activities with and as a part of its application for exemption.

ii. Articles of Organization. For purposes of this section, the term *articles of organization or articles* includes the trust instrument, the corporate charter, the articles of association, or any other written instrument by which an organization is created.

iii. Authorization of Legislative or Political Activities

(a). An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it:

(i). to devote more than an insubstantial part of its activities attempting to influence legislation by propaganda;

(ii). to directly or indirectly participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office; or

(iii). to have objectives and to engage in activities which characterize it as an *action* organization as defined in §308.B.5.c.iii;

(b). The terms used in §308.B.5.b.iii.(a).(i)-(iii) shall have the meanings provided in §308.B.5.c.

iv. Distribution of Assets on Dissolution. An organization is not organized exclusively for one or more exempt purposes unless its assets are dedicated to an exempt purpose. An organization's assets will be considered dedicated to an exempt purpose, for example, if, upon dissolution, such assets would, by reason of a provision in the organization's articles or by operation of law, be distributed for one or more exempt purposes, or to the federal government, or to a state or local government, for a public purpose, or would be distributed by a court to another organization to be used in such manner as the court decides will best accomplish the general purposes for which the dissolved organization was organized. However, an organization does not meet the organizational test if its articles of incorporation or the law of the state in which it was created provided that its assets would, upon dissolution, be distributed to its members or shareholders.

v. Construction of Terms. The law of the state in which an organization is created shall be controlling in interpreting the terms of its articles. However, any organization which contends that such terms have, under state law, a different meaning from their generally accepted meaning must establish such special meaning by clear and convincing reference to relevant court decisions, opinions of the state attorney general, or other evidence of applicable state law.

vi. Applicability of the Organization Test. A determination by the secretary that an organization as described in R.S. 47:608(5) and exempt under R.S. 47:608(5) will not be granted the exemption unless such organization meets the organizational test prescribed by this Subparagraph. If an organization has been determined by the secretary to be exempt as an organization described in R.S. 47:608(5) and such determination has not been revoked, the fact that such organization does not meet the organizational test prescribed by this Subparagraph shall not be basis for revoking such determination. Accordingly, an organization which has been determined to be exempt, and which does not seek a new determination of exemption, is not required to amend its articles of organization to conform to the rules of this Subparagraph.

c. Operational Test

i. Primary Activities. An organization will be regarded as *operated exclusively* for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in R.S. 47:608(5). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

ii. Distribution of Earnings. An organization is not operated exclusively for one or more exempt purposes if its

net earnings inure in whole or in part to the benefit of private shareholders or individuals.

iii. Action Organizations

(a). An organization is not operated exclusively for one or more exempt purposes if it is an *action* organization as defined in §308.B.5.c.iii.(b), (c), or (d).

(b). An organization is an *action* organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

(i). contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(ii). advocates the adoption or rejection of legislation. The term *legislation*, as used in this Clause, includes action by the Congress, by any state legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(c). An organization is an *action* organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term *candidate for public office* means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, state, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(d). An organization is an *action* organization if it has the following two characteristics:

(i). its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and

(ii). it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

(e). An *action* organization, described in §308.B.5.c.iii.(b) or (d), though it cannot qualify under R.S. 47:608(5), may nevertheless qualify as a social welfare organization under R.S. 47:608(7) if it meets the requirements set out in R.S. 47:608(7).

d. Exempt Purposes

i. In General

(a). An organization may be exempt as an organization described in R. S. 47:608(5) if it is organized and operated exclusively for one or more of the following purposes:

(i). religious;

- (ii). charitable;
- (iii). scientific;
- (iv). literary;
- (v). educational; or
- (vi). prevention of cruelty to children or animals.

(b). An organization is not organized or operated exclusively for one or more of the purposes specified in §308.B.5.d.i.(a) unless it serves a public rather than a private interest. Thus, to meet the requirement of this Subclause, it is necessary for an organization to establish that it is not organized or operated for the benefit of private interest such as designated individuals, the creator or his family, shareholders of the organization, or persons controlled, directly or indirectly, by such private interest.

(c). Since each of the purposes specified in §308.B.5.d.i.(a) is an exempt purpose in itself, an organization may be exempt if it is organized and operated exclusively for any one or more of such purposes.

(d). If, in fact, an organization is organized and operated exclusively for an exempt purpose or purposes, exemption will be granted to such an organization regardless of the purpose or purposes specified in its application for exemption. For example, if an organization claims exemption on the ground that it is *educational*, an exemption will not be denied if, in fact, it is *charitable*.

ii. Charitable Defined

(a). The term *charitable* as used in R.S. 47:608(5) in its generally accepted legal sense is not to be construed as limited by the separate enumeration in R.S. 47:608(5) of other tax-exempt purposes which may fall within the broad outlines of charity as developed by judicial decisions. Such term includes: relief of the poor and distressed or of the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or work; lessening of the burdens of government; and promotion of social welfare by organizations designed to accomplish any of the above purposes; or

- (i). to lessen neighborhood tension;
- (ii). to eliminate prejudice and discrimination;
- (iii). to defend human and civil rights secured by law; or
- (iv). to combat community deterioration and juvenile delinquency.

(b). The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes.

(c). The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinions on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying under R.S. 47:608(5) so long as it is not an *action* organization of any one of the types described in §308.B.5.c.iii.

iii. Educational Defined

(a). In General. The term *educational*, as used in R.S. 47:608(5), relates to:

- (i). the instruction or training of the individual for the purpose of improving or developing his capabilities; or
- (ii). the instruction of the public on subjects useful to the individual and beneficial to the community.

(b). An organization may be educational even though it advocates a particular position or viewpoint, so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

(c). Examples of Educational Organizations. The following are examples of organizations which, if they otherwise meet the requirements of this Subsection, are educational.

(i). Example. An organization, such as a primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on.

(ii). Example. An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television.

(iii). Example. An organization which presents a course of instruction by means of correspondence or through the use of television or radio.

(iv). Example. Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

iv. Scientific Defined

(a). Since an organization may meet the requirements of R.S. 47:608(5) only if it serves a public rather than a private interest, a *scientific* organization must be organized and operated in the public interest (§308.B.5.d.i.[b]). Therefore, the term *scientific*, as used in R.S. 47:608(5) includes the carrying on of scientific research in the public interest. Research when taken alone is a word with various meanings; it is not synonymous with *scientific*, and the nature of particular research depends upon the purpose which it serves. For research to be *scientific* within the meaning of R.S. 47:608(5), it must be carried on in furtherance of a *scientific* purpose. The determination as to whether research is *scientific* does not depend on such research being classified as *fundamental* or *basic*, as contrasted with *applied* or *practical*.

(b). Scientific research does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, as, for example, the ordinary testing or inspection of materials or products, or the designing or construction of equipment, buildings, etc.

(c). Scientific research will be regarded as carried on in the public interest:

- (i). if the results of such research (including any patents, copyrights, processes, or formulas resulting from such research) are made available to the public on a nondiscriminatory basis;

(ii). if such research is performed for the United States, or any of its agencies or instrumentalities, or for a state or political Subdivision thereof; or

(iii). if such research is directed toward benefiting the public. The following are examples of scientific research which will be considered as directed toward benefiting the public, and, therefore, which will be regarded as carried on in the public interest:

[a]. scientific research carried on for the purpose of aiding in the scientific education of college or university students;

[b]. scientific research carried on for the purpose of obtaining scientific information, which is published in a treatise, thesis, trade publication, or in any other form that is available to the interested public;

[c]. scientific research carried on for the purpose of discovering a cure for a disease; or

[d]. scientific research carried on for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area. Scientific research described in §308.B.5.d.iv.(c) will be regarded as carried on in the public interest even though such research is performed pursuant to a contract or agreement under which the sponsor or sponsors of the research have the right to obtain ownership or control of any patents, copyrights, processes, or formulas resulting from such research.

(d). An organization will not be regarded as organized and operated for the purpose of carrying on scientific research in the public interest and, consequently, will not qualify under R.S. 47:608(5) as a *scientific* organization, if:

(i). such organization will perform research only for persons who are (directly or indirectly) its creators and who are not described in R.S. 47:608(5); or

(ii). such organization retains (directly or indirectly) the ownership or control of more than an insubstantial portion of the patents, copyrights, processes, or formulas resulting from its research and does not make such patents, copyrights, processes, or formulas available to the public. For purposes of this Subclause, a patent, copyright, process, or formula shall be considered as made available to the public if such patent, copyright, process, or formula is made available to the public on a nondiscriminatory basis. In addition, although one person is granted the exclusive right to the use of a patent, copyright, process, or formula, it shall be considered as made available to the public if the granting of such exclusive right is the only practicable manner in which the patent, copyright, process, or formula can be used to benefit the public. In such a case, however, the research from which the patent, copyright, process, or formula resulted will be regarded as carried on in the public interest (within the meaning of §308.B.5.d.iv.c.iii) if it is carried on for a person described in §308.B.5.d.iv.c.ii or if it is scientific research described in §308.B.5.d.iv.c.iii.

(e). The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in R.S. 47:608(5) will not preclude such organization from meeting the requirements of R.S. 47:608(5) so long as the organization meets the organizational test and is not operated

for the primary purpose of carrying on such research (see §308.B.5.e relating to organizations carrying on a trade or business).

e. Organizations Carrying on Trade or Business. In general, an organization may meet the requirements of R.S. 47:608(5) although it operates a trade or business as a substantial part of its activities, if the operation of such trade or business is in furtherance of the organization's exempt purpose or purposes and if the organization is not organized or operated for the primary purpose of carrying on an unrelated trade or business. In determining the existence or nonexistence of such primary purpose, all the circumstances must be considered, including the size and extent of the trade or business and the size and extent of the activities which are in furtherance of one or more exempt purposes. An organization which is organized and operated for the primary purpose of carrying on an unrelated trade or business is not exempt under R.S. 47:608(5), even though it has certain religious purposes, its property is held in common, and its profits do not inure to the benefit of individual members of the organization.

6. Business Leagues, Chambers of Commerce, Real Estate Boards, and Boards of Trade. A business league is an association of persons having some common business interest, the purpose of which is to promote such common interest and not to engage in regular business of a kind ordinarily carried on for profit. It is an organization of the same general class as a chamber of commerce or board of trade. Thus, its activities should be directed to the improvement of business conditions of one or more lines of business as distinguished from the performance of particular services for individual persons. An organization whose purpose is to engage in a regular business of a kind ordinarily carried on for profit, even though the business is conducted on a cooperative basis or produces only sufficient income to be self sustaining, is not a business league. An association engaged in furnishing information to prospective investors to enable them to make sound investments is not a business league since its activities do not further any common business interest, even though all of its income is devoted to the purpose stated. A stock or commodity exchange is not a business league, a chamber of commerce, or a board of trade within the meaning of R.S. 47:608(6) and is not exempt from the tax.

7. Civic Leagues and Local Associations of Employees

a. Civic leagues or organizations may be exempt, provided they are not organized or operated for profit, and are operated exclusively for the promotion of social welfare. An organization is operated exclusively for social welfare only if it is primarily engaged in promoting in some manner the common good and general welfare of people in the community. An organization embraced within this provision is one which is operated primarily for the purpose of bringing about civic betterment and social improvements. A *social welfare* organization will qualify for exemption as a charitable organization if it falls within the definition of *charitable* set forth in §308.B.5.d.ii and is not an *action* organization as set forth in §308.B.5.c.iii.

b. The promotion of social welfare does not include direct or indirect participation or intervention in political

campaigns on behalf of or in opposition to any candidate for public office, nor is an organization operated primarily for the promotion of social welfare if its primary activity is operating a social club for the benefit, pleasure, or recreation of its members, or is carrying on a business with the general public in a manner similar to organizations which are operated for profit. See R.S. 47:608(6) and the regulations issued thereunder, relating to business leagues and similar organizations. A social welfare organization may qualify under this Section even though it is an *action* organization described in §308.B if it otherwise qualifies under this Section.

c. Local associations of employees described in R.S. 47:608(7) are expressly entitled to exemption. As conditions to exemption, it is required that:

i. membership of such an association be limited to the employees of a designated person or persons in a particular municipality;

ii. the net earnings of the association be devoted exclusively to charitable, educational, or recreational purposes;

iii. its activities are confined to a particular community, place, or district. If the activities are limited only by the borders of a state, it cannot be considered to be local in character; and

iv. no substantial part of the activities of the association is carrying on propaganda or otherwise attempting to influence legislation.

8. Social Clubs

a. The exemption provided by R.S. 47:608(8) applies only to clubs which are organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, but does not apply to any club if any part of its net earnings inures to the benefit of any private shareholder. In general, the exemption extends to social and recreational clubs which are supported solely by membership fees, dues, and assessments. However, a club otherwise entitled to exemption will not be disqualified because it raises revenue from members through the use of club facilities or in connection with club activities.

b. A club which engages in business, such as making its social and recreational facilities available to the general public or by selling real estate or other products, is not organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, and is not exempt. Solicitation by advertisement or otherwise for public patronage to its facilities is prima facie evidence that the club is engaging in business and is not being operated exclusively for pleasure, recreation, or social purposes. However, an incidental sale of property will not deprive a club of its exemption.

9. Local Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual Cooperative or Telephone Companies, and Like Organizations

a. In order to be exempt under the provision of R.S. 47:608(9), an organization of the type specified must receive at least 85 percent of its income from amounts collected from members for the sole purpose of meeting losses and expenses. If an organization issues policies for stipulated cash premiums, or if it requires advance deposits to cover

the cost of insurance and maintains investments from which more than 15 percent of its income is derived, it is not entitled to an exemption. Although it may make advance assessments for the sole purpose of meeting future losses and expenses, an organization may be entitled to the exemption provided that the balance of such assessments remaining on hand at the end of the year is retained to meet losses and expenses or is returned to members.

b. The phrase *of a purely local character* applies only to benevolent life insurance associations and organizations exempt on the ground that they are organizations similar to a benevolent life insurance association, and not to the other organizations specified in R. S. 47:608(9). An organization of a purely local character is one whose business activities are confined to a particular community, place, or district, irrespective of political subdivisions. If the activities of an organization are limited only by the borders of a state, it cannot be considered to be purely local in character.

10. Insurance Corporations. Insurance companies which pay or which are required to pay a premium tax under the provisions of Title 22 of the Louisiana Revised Statutes of 1950 are exempt from the corporation franchise tax.

11. Farmers' and Fruit Growers' Cooperatives

a. Farmers' cooperative marketing associations engaged in the marketing of farm products for farmers, fruit growers, livestock growers, dairymen, etc. and turning back to the producers the proceeds of the sales of their products, less the necessary operating expenses, on the basis of either the quantity or the value of the products furnished by them, are exempt from the corporation franchise tax. Nonmember patrons must be treated the same as members insofar as the distribution of patronage dividends is concerned. Thus, if products are marketed for nonmember producers, the proceeds of the sales, less necessary operating expenses, must be returned to the patron from the sale of whose goods such proceeds result, whether or not such patrons are members of the association. In order to establish compliance with the statutory requirement that the proceeds of sales, less necessary operating expenses, be turned back to all producers on the basis of either the quantity or the value of the products furnished by them, it is necessary for such an association to keep permanent records of the business done with both members and nonmembers. While patronage dividends must be paid to all producers on the same basis, the requirement is complied with if an association, instead of paying patronage dividends to nonmembers in cash, keeps permanent records from which the proportionate share of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

b. An association which has capital stock will not for such reason be denied exemption:

i. if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation on the value of the consideration for which the stock was issued; and

ii. if substantially all of such stock (with the exception noted below) is owned by producers who market

their products or purchase their supplies and equipment through the association. Any ownership of stock by others than such actual producers must be satisfactorily explained in the association's application for exemption. The association will be required to show that the ownership of its capital stock has been restricted as far as possible to such actual producers. If by statutory requirement all officers of an association must be shareholders, the ownership of a share of stock by a nonproducer to qualify him as an officer will not destroy the association's exemption. Likewise, if a shareholder for any reason ceases to be a producer and the association, because of a constitutional restriction or prohibition or other reason beyond the control of the association, is unable to purchase or retire the stock of such nonproducer, the fact that under such circumstances a small amount of the outstanding capital stock is owned by shareholders who are no longer producers will not destroy the exemption. The restriction placed on the ownership of capital stock of an exempt cooperative association shall not apply to nonvoting preferred stock, provided the owners of such stock are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends.

c. The accumulation and maintenance of a reserve required by state statute, or the accumulation and maintenance of a reasonable reserve or surplus for any necessary purpose, such as to provide for the erection of buildings and facilities required in business or for the purchase and installation of machinery and equipment or to retire indebtedness incurred for such purposes, will not destroy the exemption. An association will not be denied exemption because it markets the products of nonmembers, provided the value of the products marketed for nonmembers does not exceed the value of the products marketed for members. Anyone who shares in the profits of a farmers' cooperative marketing association and is entitled to participate in the management of the association must be regarded as a member of such association.

d. Cooperative associations engaged in the purchasing of supplies and equipment for farmers, fruit growers, livestock growers, dairymen, etc., and turning over such supplies and equipment to them at actual cost, plus the necessary operating expenses, are exempt. The term *supplies and equipment* includes groceries and all other goods and merchandise used by farmers in the operation and maintenance of a farm or farmer's household. The provisions relating to a reserve or surplus and to capital stock shall apply to associations coming under this Paragraph. An association which purchases supplies and equipment for nonmembers will not for such reason be denied exemption, provided the value of the purchases for nonmembers does not exceed the value of the purchases made for members, and provided the value of the purchases made for nonmembers who are not producers does not exceed 15 percent of the value of all its purchases.

e. In order to be exempt under R.S. 47:608(11), an association must establish that it has no income for its own account other than that reflected in a reserve or surplus authorized therein. An association engaged both in marketing farm products and in purchasing supplies and equipment is exempt only if it meets the prescribed requirements for each of its functions.

f. To be exempt, an association must not only be organized but actually operated in the manner of and for the purposes specified in R.S. 47:608(11).

g. Cooperative organizations engaged in activities dissimilar from those of farmers, fruitgrowers, and the like, are not exempt.

12. Corporations Organized to Finance Crop Operations. A corporation organized by a farmers' cooperative marketing or purchasing association, or the members thereof, for the purpose of financing the ordinary crop operations of such members or other producers is exempt, provided the marketing or purchasing association is exempt under the provisions of R. S. 47:608(11) and the financing corporation is operated in conjunction with the marketing or purchasing association. The provisions of R.S. 47:608(11) relating to a reserve or surplus and to capital stock also apply to corporations coming under this Paragraph.

13. Corporations Organized for the Exclusive Purpose of Holding Title to Property

a. Corporations organized for the exclusive purpose of holding title to property are exempt from the corporation franchise tax, but only if:

i. the entire amount of income from the property, less expenses, is turned over to organizations which are organized and operated exclusively for:

- (a). religious purposes;
- (b). charitable purposes;
- (c). scientific purposes;
- (d). literary purposes; or
- (e). educational purposes; and

ii. no part of the net earnings inures to the benefit of any private shareholder or any organization organized and operated for a purpose other than those enumerated under §308.B.13.a.i.(a), whether or not the benefiting organization is exempt under other provisions of R.S. 47:608.

b. Corporations whose articles of incorporation or by-laws permit activities other than the holding of title to property, collecting the income therefrom, paying the necessary expenses of operating the property, and turning over the entire amount of its income, after expenses, to the specified types of organizations are not exempt.

14. Voluntary Employees' Beneficiary Associations

a. In general, the exemption provided by R.S. 47:608(14) applies if all of the following requirements are met:

i. the organization is an association of employees;

ii. membership of the employees in the association is voluntary;

iii. the organization is operated only for the purpose of providing for the payment of life, sick, accident, or other benefits to its members or their dependents;

iv. no part of the net earnings of the organization inures, other than by payment of the benefits described in

§308.B.14.a.iii, to the benefit of any private shareholder or individual; and

v. at least 85 percent of the income of the organization consists of amounts collected from members for the sole purpose of such payments of benefits and meeting expenses.

b. Explanation of requirements necessary to constitute an organization described in R.S. 47:608(14) [LAC 61.I.308.B.14.b.ii]. For purposes of §308.B.14.b:

i. Association of Employees

(a). In general, an organization described in R.S. 47:608(14) must be composed of individuals who are entitled to participate in the association by reason of their status as employees who are members of a common working unit. The members of a common working unit include, for example, the employees of a single employer, one industry, or the members of one labor union. Although membership in such an association need not be offered to all the employees of a common working unit, membership must be offered to all of the employees of one or more classes of the common working unit and such class or classes must be selected on the basis of criteria which do not limit membership to shareholders, highly compensated employees, or other like individuals. The criteria for defining a class may be restricted by conditions reasonably related to employment, such as a limitation based on a reasonable minimum period of service, a limitation based on a maximum compensation, or a requirement that a member be employed on a full-time basis. The criteria for defining a class may also be restricted by conditions relating to the type and amount of benefits offered, such as a requirement that members need a reasonable minimum health standard in order to be eligible for life, sick, or accident benefits, or a requirement which excludes, or has the effect of excluding, employees who are members of another organization offering similar benefits to the extent such employees are eligible for such benefits. Whether a group of employees constitutes an acceptable class is a question to be determined with regard to all the facts and circumstances, taking into account the guidelines set forth in this Clause. Furthermore, exemption will not be barred merely because the membership of the association includes some individuals who are not employees (within the meaning of §308.B.14.b.i.b) or who are not members of the common working unit, provided that these individuals constitute no more than 10 percent of the total membership of the association.

(b). Meaning of *Employee*

(i). The term *employee* has reference to the legal and bona fide relationship of employer and employee.

(ii). The term *employee* also includes:

[a]. an individual who would otherwise qualify for membership under §308.B.14.b.i.(b)(i), but for the fact that he is retired or on leave of absence;

[b]. an individual who would otherwise qualify under §308.B.14.b.i.(b)(i), but subsequent to the time he qualifies for membership he becomes temporarily unemployed. The term *temporary unemployment* means involuntary or seasonal unemployment, which can reasonably be expected to be of limited duration. An individual will still qualify as an employee under §308.B.14.b.i.(b)(i), during a period of temporary

unemployment, he performs services as an independent contractor or for another employer; or

[c]. an individual who qualifies as an employee under the state or federal unemployment compensation law covering his employment, whether or not such an individual could qualify as an employee under the usual common law rules applicable in determining the employer-employee relationship.

ii. Explanation of Voluntary Association. An association is not a voluntary association if the employer unilaterally imposes membership in the association on the employee as a condition of his employment and the employee incurs a detriment (for example, in the form of deductions from his pay) because of his membership in the association. An employer will not be deemed to have unilaterally imposed membership on the employee if such employer requires membership as the result of a collective bargaining agreement which validly requires membership in the association.

iii. Life, Sick, Accident, or Other Benefits

(a). In general, a voluntary employee's beneficiary association must provide solely (and not merely primarily) for the payment of life, sick, accident, or other benefits to its members or their dependents. Such benefits may take the form of cash or non-cash benefits.

(i). Life Benefits. The term *life benefits* includes life insurance benefits, or similar benefits payable on the death of the member, made available to members for current protection only. Thus, term life insurance is an acceptable benefit. However, life insurance protection made available under an endowment insurance plan or a plan providing cash surrender values to the member is not included. *Life benefits* may be payable to any designated beneficiary of a member.

(ii). Sick and Accident Benefits. A sick and accident benefit is, in general, an amount furnished in the event of illness or personal injury to or on behalf of members or their dependents. For example, a sick and accident benefit includes an amount provided under a plan to reimburse a member for amounts he expends because of illness or injury, or for premiums which he pays to a medical benefit program such as Medicare. Sick and accident benefits may also be furnished in noncash form, such as benefits in the nature of clinical care, services by visiting nurses, and transportation furnished for medical care.

(iii). Other Benefits. The term *other benefits* includes only benefits furnished to members or their dependents which are similar to life, sick and accident benefits. A benefit is similar to a life, sick or accident benefit if it is intended to safeguard or improve the health of the employee or to protect against a contingency which interrupts earning power. Thus, paying vacation benefits, subsidizing recreational activities such as athletic leagues, and providing vacation facilities are considered *other benefits* since such benefits protect against physical or mental fatigue and accidents or illness which may result therefrom. Severance payments or supplemental unemployment compensation benefits paid because of a reduction in force or temporary layoff are *other benefits* since they protect the employee in the event of interruption

of earning power. However, severance payments at a time of mandatory or voluntary retirement and benefits of the type provided by pension, annuity, profit-sharing, or stock bonus plans are not *other benefits* since their purpose is not to protect in the event of an interruption of earning power. Furthermore, the term *other benefits* does not include the furnishing of automobile or fire insurance or the furnishing of scholarships to the members' dependents.

iv. Inurement to the Benefit of Any Private Shareholder or Individual. No part of the net earnings of the organization may inure to the benefit of any private shareholder or individual other than through the payment of benefits described in §308.B.14.b.iii. The disposition of property to, or the performance of services for, any person for less than its cost (including the indirect costs) to the association, other than for the purpose of providing such a benefit, will constitute inurement. Further, the payment to any member of disproportionate benefits will not be considered a benefit within the meaning of §308.B.14.b.iii even though the benefit is of the type described in §308.B.14.b.iii. For example, the payment to highly compensated personnel of benefits which are disproportionate in relation to benefits received by other members of the association will constitute inurement. However, the payment to similarly situated employees of benefits which differ in kind or amount will not constitute inurement if such benefits are paid pursuant to objective and reasonable standards. For example, two employees who are similarly situated while employed receive unemployment benefits which differ in kind and amount. These unemployment benefits will not constitute inurement if the reason for the larger payment to the one employee is to provide training for that employee to qualify for reemployment and the other employee has already received such training. Furthermore, the rebate of excess insurance premiums based on experience to the payor of the premium, or a distribution to member-employees upon the dissolution of the association, will not constitute inurement. However, the return of contributions to an employer upon the dissolution of the association will constitute inurement.

v. Meaning of the term *income*. The requirement of R.S. 47:608(14) that 85 percent of the income of a voluntary employees' beneficiary association consist of amounts collected from members and amounts contributed by the employer for the sole purpose of making payment of the benefits described in §308.B.14.b.iii (including meeting the expenses of the association) assures that not more than a limited amount (15 percent) of an association's income is from sources such as investments, selling goods, and performing services, which are foreign to what must be the principal source of the association's income, i.e., the employees. Therefore, the term *income* as used in R.S. 47:608(14) means the gross receipts of the organization for the taxable year, including income from tax-exempt investments (but exclusive of gifts and donations) and computed without regard to losses and expenses paid or incurred for the taxable year. The term *income* does not include the return to the association of an amount previously expended. Thus, for example, rebates of insurance premiums paid in excess of actual insurance costs do not constitute income for this purpose. In order to be an amount collected from a member, it must be collected as a payment, such as

dues, qualifying the member to receive an allowable benefit, or as a payment for an allowable benefit actually received. For example, if the association furnishes medical care in a hospital operated by it for its members, an amount received from the member as payment of a portion of the hospital costs is an amount collected from such a member. However, an amount paid by an employee as interest on a loan made by the association is not an amount collected from a member since the interest is not an amount collected as payment for an allowable benefit received. For the same reason, gross receipts collected by the association as a result of employee purchases of work clothing from an association-owned store, or employee purchases of food from an association-owned vending machine, are not amounts collected from members. Amounts collected from members or amounts contributed to the association by the employer of the members are not considered gifts or donations.

vi. Record-Keeping Requirements

(a). In addition to such other records which may be required, every organization described in R.S. 47:608(14) must maintain records indicating the amount of benefits paid by such organization to each member. If the organization is financed, in whole or in part, by amounts collected from members, the organization must maintain records indicating the amount of each member's contribution.

(b). A supplemental unemployment compensation benefit plan may also qualify for exemption under the provisions of R.S. 47:608(14).

15. Teachers' Retirement Fund Associations. Teachers' retirement fund associations are exempt from the corporation franchise tax only if:

a. they are of a purely local character whose activities are confined to a particular community, place, or district, irrespective of political subdivisions, but if the activities are limited only by the borders of a state, it cannot be considered to be purely local in character;

b. its income consists solely of amounts received from public taxation, assessments upon the teaching salaries of members, and income from investments; and

c. no part of its net earnings inures (other than through the payment of retirement benefits) to the benefit of any private shareholder or individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:608.

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:

§309. Due Date, Payment, and Reporting of Tax

A. The corporation franchise tax becomes due on the first day of each calendar or fiscal year in which a corporation is subject to the tax, and is based on its entire issued and outstanding capital stock, surplus, and undivided profits, and borrowed capital determined as of the close of the previous calendar or fiscal year. There is no proration of the tax for a portion of the year in the case of dissolution of a domestic corporation, withdrawal from the state by a foreign corporation, or where a corporation otherwise ceases to be subject to the tax. The tax is payable to the secretary of Revenue on or before the fifteenth day of the third month following the month in which the tax becomes due; in the case of a calendar year taxpayer, the tax becomes due on

January 1 and is payable to the secretary on or before April 15. If the day on which the tax is payable falls on a Saturday, Sunday, or legal holiday the tax is payable on the next business day. For purposes of this section, fiscal or calendar year shall be determined by reference to the annual accounting period regularly used by the corporation in keeping its books.

B. Payment of the tax shall be accompanied by a full, accurate, and complete report prepared on forms furnished by the secretary of Revenue, which shall be signed by a duly authorized official of the corporation.

C. Whenever the secretary has granted permission to a corporation to change its accounting period under the provisions of R.S. 47:613, the tax to be paid for the period from the end of the last period for which the tax had already become due until the end of the new accounting period shall be determined by multiplying the ratio that the number of such months bears to 12, times the tax computed for an annual period based on the previous period's closing. All subsequent returns shall be prepared on the basis of the new accounting period.

D. In the case of a mere change in the name or change in the state of incorporation, the tax shall be determined and paid as if the change had not occurred.

E. For provisions relating to newly taxable corporations, see R.S. 47:611.

F. For provisions relating to requests for extensions of time within which to file the report required by this Chapter, see R.S. 47:612.

G. In the case of mergers which have an effective time and date of 12 midnight of the last day of the merged corporation's accounting period which coincides with the last day of the surviving corporation's accounting period, the surviving corporation shall include the assets of the merged corporation with its assets in computing the ratios of property and assets for the purpose of determining the amount of tax due for the year following the date of the merger.

H. If the surviving corporation was not previously subject to the tax, it shall pay the minimum tax for the accounting period within which such merger date occurs as required of newly taxable corporations under the provisions of R.S. 47:611.

AUTHORITY NOTE: Promulgated in accordance with 47:609 and R.S.47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), amended by the Department of Revenue, Policy Services Division, LR 28:97 (January 2002), LR 30:

§311. Newly Taxable Corporations

A. Every corporation shall pay only the minimum tax in the first accounting period or fraction thereof in which it becomes subject to the tax. It is immaterial whether the corporation became liable for the tax on the first day or the last day of the accounting period regularly used by the taxpayer in keeping its books; the minimum tax is due for

that accounting period. The tax accrues immediately upon the corporation's becoming subject thereto.

B. The tax for all accounting periods subsequent to the period in which the corporation became subject to the tax accrues on the first day of the period and is based on the previous period's closing.

C. In all instances, the tax is payable on or before the fifteenth day of the fourth month following the month in which the tax accrues.

AUTHORITY NOTE: Promulgated in accordance with 47:611.

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:

§312. Extension of Time for Filing Return and Paying the Tax

A. When such application for an extension of time within which to file the report required by this Chapter has been filed, the secretary of Revenue and Taxation may grant such extension for a period not to exceed six months from the due date of the report prescribed by R.S. 47:609 and R.S. 47:611. In any case in which the taxpayer has filed a request for an automatic extension of time within which to file its federal income tax return with the U.S. Internal Revenue Service, a copy of the automatic extension request attached to the report required by this Chapter will be accepted by the secretary as an application filed under this Section, and an extension equal to that granted by the federal government will be granted by Louisiana.

B. The granting of an extension of time within which to file the report required by this Chapter does not automatically grant an extension of time within which the tax shall be paid, and the secretary may require payment of the estimated amount of tax due as a condition to granting the report filing extension.

C. Whenever an extension has been granted with respect to payment of the tax, interest accrues thereon for the period from the payment date prescribed by R.S. 47:609 to the date on which the tax is paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:612.

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:

§313. Fiscal Year; Accounting Period

A. *Fiscal year* means an accounting period of 12 months ending on the last day of any month other than December. In the case of a taxpayer that, in keeping its books, regularly uses a 52- to 53-week period permitted under R.S. 47:91(F), the secretary of Revenue and Taxation may permit the use of such accounting period for purposes of this Chapter, provided that in any case in which the effective date or the applicability of any provisions of this Chapter is expressed in terms of taxable years beginning or ending with reference to a specified date which is the first or last day of a month, such 52- or 53-week accounting period shall be treated:

1. as beginning with the first day of the calendar month beginning nearest to the first day of such taxable period; or

2. as ending with the last day of the calendar month ending nearest to the last day of such taxable period, as the case may be.

B. However, no fiscal year will be recognized unless, before its close, it was definitely established as an accounting period and the books of the taxpayer were kept accordingly.

C. Once an accounting period has been established, no change from that period shall be made without the approval of the secretary of Revenue and Taxation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:613.

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:

§317. Refunds and Credits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:601-617 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repealed by the Department of Revenue, Policy Services Division, LR 30:

Family Impact Statement

The proposed repeal of LAC 61:I. 317, regarding interest on overpayments of corporation franchise tax and the repromulgation of LAC 61:I. 301-313, which reaffirms the secretary's rule making authority, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m. Wednesday, January 28, 2004. A public hearing will be held on Thursday, January 29, 2004 at 10 a.m. in the River Room Conference Room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Corporation Franchise Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this proposed repeal of LAC 61:I.317, and the repromulgation of LAC 61:I.301-313 will result in no expenditures for the department. The rule to be repealed pertains to corporation franchise tax refunds and credits. It is obsolete and in conflict with the statute as amended. The repromulgation of the corporation franchise tax regulations reaffirms the secretary's rule making authority with respect to the corporation franchise tax. There will be no impact on local government costs.

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 directly affected persons or non-governmental groups. Current compliance requirements will not change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0312#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Corporation Income Tax (LAC 61:I.1115-1189)

Under the authority of R.S. 47:287.2-287.785 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to repromulgate LAC 61:I.1115-1189.

Louisiana Administrative Code 61:I.1115-1189 are being repromulgated to reaffirm the Secretary of Revenue's rulemaking authority. In *Collector of Revenue v. Mossler Acceptance Co.*, 139 So.2d 263 (La.App. 1st Cir. 1962), the First Circuit held that regulations defining the terms used in the tax statutes went beyond the secretary's authority in R.S. 47:1511 to promulgate rules regarding "the proper administration and enforcement" of the tax statutes. Since the Mossler decision, R.S. 47:1511 was amended removing the language that the First Circuit determined was a limitation on the secretary's rulemaking authority. Although no taxpayer has relied on Mossler to refute the secretary's rulemaking authority, repromulgation of Sections 1115-1189 will reaffirm the secretary's authority.

**Title 61
REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 11. Income: Corporation Income Tax

**§1115. Modifications to Deductions from Gross Income
Allowed by Federal Law**

A. Dividends Received by a Corporation. R.S. 47:287.73(C)(1) allows a deduction for dividends received by one corporation from another to the extent that the income from which the dividends are paid has been earned from Louisiana sources and has borne Louisiana income tax. The amount of the income from which the dividends are paid that has borne Louisiana income tax shall be determined by relating the Louisiana net taxable income to the total book net income of the declaring corporation, less adjustments.

B. Example. During the calendar year 1986, ABC Inc., a Louisiana corporation, derived a total Louisiana net taxable income of \$10,000 and \$10,000 of net income from Texas. The depreciation expense deducted on the tax return exceeds depreciation expense deducted on the books by \$10,000. The depletion expense deducted on the tax return exceeds depletion expense deducted on the books by \$10,000 which is a noncompensating difference. The total net income determined from the books of the corporation is \$60,000. The book income includes \$20,000 of interest on U.S. obligations that is not included in taxable income. On January 7, 1987, the corporation paid a dividend of \$30,000. The allowable deduction to recipient corporations is computed as follows:

Items	Per Books	Per Louisiana Income Tax Return
Net Income	\$60,000	\$10,000
Less: Excess of tax depreciation over book depreciation	\$10,000	
Adjusted Net Income	\$50,000	\$10,000
Ratio		<u>20%</u>
Dividend Paid		<u>\$30,000</u>
Allowable Deduction		<u>\$6,000</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.73.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:95 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1122. Taxes Not Deductible

A. General. R.S. 47:287.83 provides that federal income tax levied on net income upon which no Louisiana income tax has been incurred, or upon which, for any reason whatsoever, no Louisiana income tax will be paid, is not deductible.

B. Federal Alternative Minimum Tax

1. Federal alternative minimum tax attributable to tax preferred items such as, but not limited to, accelerated depreciation, depletion, and intangible drilling and development cost, is not deductible. The nondeductible portion of federal alternative minimum tax after credits is the excess of the total federal alternative minimum tax after credits over the deductible portion of federal alternative minimum tax attributed to Louisiana net income.

2. Federal alternative minimum tax on federal alternative minimum taxable net income from sources other than tax preferred items is deductible to the extent the alternative minimum taxable net income is taxed by Louisiana. The deductible portion of federal alternative minimum tax attributable to Louisiana apportionable and allocable net income, which is taxed at alternative minimum taxable income rates, is the result obtained by multiplying the federal alternative minimum tax after credits by a fraction, the numerator of which is Louisiana apportionable and allocable net income which is taxed at alternative minimum taxable net income rates and the denominator of which is the excess of federal alternative minimum taxable income over regular federal taxable income. The determination of the amount of deductible and nondeductible federal alternative minimum tax is illustrated by the following example.

C. Example. The ABC Corporation earns 100 percent of its net income in Louisiana. The ABC Corporation is on a fiscal year beginning July 1, 1987 and ending June 30, 1988. ABC's regular federal taxable income for fiscal year ending June 30, 1988, was \$200,000 and regular federal income tax was \$56,250. Book net income before federal income tax was \$450,000. Of the total difference between book and tax net income, \$150,000 was due to the tax preferred item, excess tax depreciation expense over book depreciation expense, and \$100,000 was due to interest income earned on municipal bonds exempt from regular federal income tax, but not from Louisiana income tax. Louisiana apportionable and allocable net income before the federal income tax deduction is \$300,000.

Computation of Alternative Minimum Taxable Income

1. Regular federal taxable income	200,000
2. Income from tax preferred items (excess tax depreciation over book depreciation expense)	150,000
3. Book income adjustment (interest on municipal bonds issued by a state or its political subdivisions other than Louisiana: 100,000 multiplied by 50%)	
4. Alternative minimum taxable income (AMTI, the sum of lines 1, 2 and 3)	<u>400,000</u>

Computation of Alternative Minimum Tax

5. Alternative minimum taxable income (ATMI from line 4)	\$ 400,000
6. Less exemption	\$ -0-
7. AMTI after exemption	\$ 400,000
8. Federal alternative minimum tax rate	\$ 20%
9. Tentative alternative minimum tax rate (line 7 multiplied by line 8)	\$ 80,000
10. Less credits	\$ -0-
11. Less regular federal income tax (after credits)	<u>\$ 56,250</u>
12. Alternative minimum tax (AMT line 9 minus line 11)	<u>\$ 23,750</u>

Computation of Alternative Minimum Tax Attributable to Louisiana Net Income Which is Taxed at AMTI Rates

13. Louisiana allocable and apportionable net income	\$ 300,000
14. Less:	
a. Louisiana net income which is taxed at federal ordinary and alternative capital gain tax rates \$200,000	
b. Louisiana net income which is not taxed by federal (interest on municipal bonds \$100,000 multiplied by 50%) \$50,000	\$ 250,000
15. Louisiana net income which is taxed at AMTI rates (line 13 minus line 14)	\$ 50,000
16. Excess of AMTI over regular federal taxable income (\$400,000 minus \$200,000)	\$ 200,000

17. Ratio (Louisiana net income which is taxed at AMTI rates over the excess of AMTI over regular federal taxable income, line 15 divided by line 16)	\$ 25%
18. AMT (from line 12)	\$ 23,750
19. AMT deductible (the amount attributable to Louisiana net income which is taxed at AMTI rates, line 18 multiplied by line 17)	\$ 5,938
20. AMT not deductible (line 18 minus line 19)	<u>\$ 17,812</u>

carryback. Federal income tax attributable to net income which is not taxed by Louisiana as a result of a net operating loss carryback is the excess of allowable federal income tax deducted from Louisiana net income before the net operating loss carryback over the allowable deduction after the net operating loss carryback. The federal income tax attributable to net income which is not taxed by Louisiana shall be treated as a reduction to the net operating loss deduction. If the amount of the federal income tax attributable to the net income which is not taxed by Louisiana exceeds the Louisiana net operating loss deduction, such excess shall be treated as income in the year of the transaction that gave rise to the excess. These principles are illustrated in the following examples.

D. Net Operating Loss Carryback. Federal income tax deducted from Louisiana net income in taxable periods to which a net operating loss is carried back shall be computed to determine the amount of federal income tax attributable to net income which is taxed by the federal but which is not taxed by Louisiana as a result of a net operating loss

E. Examples:

Example 1

The ABC Corporation does not include its net income in a consolidated federal income return as provided by Section 1501 of the *Internal Revenue Code*. ABC files state and federal income tax returns on a calendar year basis. ABC Corporation's net income and other financial information used to file state and federal income tax returns for the four-year period ending December 31, 1987, include the following.

Taxable Periods	1984	1985	1986	1987
Federal net income or (loss)	\$ 2,000,000	\$ 4,000,000	\$ 5,000,000	\$ 600,000
Louisiana net income or (loss)	1,200,000	1,800,000	3,000,000	(1,000,000)
Federal income tax	800,000	1,600,000	2,000,000	240,000
Federal income tax deducted from Louisiana net income	467,280	706,240	1,171,200	-0-
State income tax deducted from federal net income but not Louisiana net income	57,500	86,000	144,000	-0-
Income tax apportionment ratio	55%	40%	50%	50%
Louisiana taxable income	732,720	1,093,760	1,828,800	-0-

ABC Corporation elects to carry their 1987 Louisiana net operating loss back to 1984 pursuant to R.S. 47:287.86. Federal income tax attributable to net income which is not taxed by Louisiana as a result of the net operating loss carryback is computed as follows.

1. Louisiana net income, 1984	\$ 1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	\$ 57,500
Multiplied by the income tax apportionment ratio	55%
Balance	\$ 31,625
Louisiana net operating loss, 1987	\$ 1,000,000
Adjustment	\$ 1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)	\$ 168,375
4. Federal net income, 1984	\$ 2,000,000
5. Ratio (line 3 divided by line 4)	8.4188%
6. Federal income tax, 1984	\$ 800,000
7. Allowable federal income tax deduction after the Louisiana net operating loss carryback (line 6 multiplied by line 5)	\$ 67,350
8. Federal income tax deducted from Louisiana net income before the net operating loss carryback	\$ 467,280
9. Federal income tax attributable to net income which is not taxed by Louisiana (line 8 minus line 7)	\$ 399,930
10. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana	\$ 1,000,000
11. Federal income tax attributable to net income which is not taxed by Louisiana (from line 9)	\$ 399,930
12. Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 11)	\$ 600,070

Example 2

Assume the same facts in Example 1 except that the ABC Corporation sustained a \$2,000,000 federal net operating loss in 1987 and elects to carry the federal loss back to 1984. Federal income tax after the net operating loss carryback is zero.

1. Louisiana net income, 1984	\$ 1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	\$ 57,500
Multiplied by the income tax apportionment ratio	55%
Balance	\$ 31,625
Louisiana net operating loss, 1987	\$ 1,000,000
Adjustment	\$ 1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)	\$ 168,375
4. Federal net income, 1984	\$ 2,000,000

5. Federal net operating loss carryback from 1987		\$ (2,000,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		-0-
7. Ratio (line 3 divided by line 6)		-0-
8. Federal income tax after the federal net operating loss carryback		-0-
9. Allowable federal income tax deduction after the netoperating loss carryback (line 8 multiplied by line 7)		-0-
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		\$ 467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 9)		\$ 467,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		\$ 1,000,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		\$ 467,280
14. Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		\$ 532,720

Example 3

Assume the same facts in Examples 1 and 2 except that the Louisiana and federal net operating losses in 1987 are \$350,000 and \$1,800,000 respectively. Federal income tax after the net operating loss carryback is \$80,000.

1. Louisiana net income, 1984		\$ 1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	\$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	\$31,625	
Louisiana net operating loss, 1987	\$350,000	
Adjustment		\$ 381,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		\$ 818,375
4. Federal net income, 1984		\$ 2,000,000
5. Federal net operating loss carryback from 1987		\$ (1,800,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		\$ 200,000
7. Ratio (line 3 divided by line 6)		100%
8. Federal income tax after the federal net operating loss carryback		\$ 80,000
9. Allowable federal income tax deduction after the netoperating loss carryback (line 8 times line 7)		\$ 80,000
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		\$ 467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana, 1984 (line 10 minus line 9)		\$ 387,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		\$ 350,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		\$ 387,280
14. Louisiana net operating loss after deduction for the amount of federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		-0-
15. Additional Louisiana taxable income for 1987 due to excess of federal income tax attributable to net income which is not taxed by Louisiana over the Louisiana net operating loss (line 13 minus line 12)		\$ 37,280

F. Definitions. For the purposes of this Section, alternative minimum tax, regular federal income tax, alternative tax on capital gains, and regular tax on ordinary net income are defined as provided in §1123.F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.83.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:96 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1123. Federal Income Tax Deduction

A. General. R.S. 47:287.85(C) permits corporations to claim as a deduction in computing net income that portion of the federal income tax levied with respect to the Louisiana net income, which is applicable to the year for which the Louisiana return is filed, regardless of the method of accounting utilized (cash, accrual, etc.). For determination of the deductible amount of federal alternative minimum tax attributable to Louisiana net income, refer to §1122. When a corporation includes its net income in a consolidated federal income tax return, total federal income tax for the purpose of this Section shall be the amount determined pursuant to §1123.E.

B. Computations. The deductible portion of the federal income tax, the tax attributable to Louisiana income, is the sum of the amounts determined in §1123.B.1 and 2.

1. The deductible portion of federal income tax attributable to Louisiana apportionable and allocable net income which is taxed at alternative capital gain rates is the result obtained by multiplying the federal income tax which is calculated at alternative capital gain rates by a fraction, the numerator of which is Louisiana apportionable and allocable net income which is taxed at alternative capital gain rates and the denominator of which is federal net income which is taxed at alternative capital gain rates.

2. The deductible portion of federal income tax attributable to Louisiana apportionable and allocable net income, less adjustment for the net operating loss deduction if applicable, which is taxed at ordinary rates, is the result obtained by multiplying the federal income tax which is calculated at ordinary rates by a fraction, the numerator of which is Louisiana apportionable and allocable net income, less adjustment for the net operating loss deduction if applicable, which is taxed at ordinary rates and the denominator of which is federal net income which is taxed at ordinary rates.

C. Numerator. The numerator to be used in §1123.B shall be determined as set forth in §1123.C.1 and 2.

1. The numerator in the case of Louisiana net income which is taxed by federal at alternative capital gain rates is the sum of:

a. the amount of net apportionable and net allocable income, subject to tax at alternative capital gain rates for federal income tax purposes, apportioned and allocated to Louisiana;

b. any compensating item of income attributable to Louisiana and which is taxed by federal at alternative capital gain rates but which is not taxed by Louisiana; and

c. any compensating loss item of income, of a character which would be allowable by federal in arriving at income which is taxed at alternative capital gain rates, attributed to and allowed by Louisiana but not allowed by federal, reduced by the sum of:

d. any compensating item of income, of a character which would be subject to tax by federal at alternative capital gain rates, attributed to and taxed by Louisiana but which is not taxed by federal;

e. any compensating loss item of income attributable to Louisiana and allowed by federal in arriving at income which is taxed at alternative capital gain rates but not allowed by Louisiana; and

f. any excess of the sum of:

i. any noncompensating loss item of income attributable to Louisiana and allowed by federal in arriving at income which is taxed at alternative capital gain rates, but not allowed by Louisiana; and

ii. any noncompensating item of income, of a character which would be subject to tax by federal at alternative capital gain rates, attributed to and taxed by Louisiana but which is not taxed by federal; over

iii. any noncompensating loss item of income, of a character which would be allowable in arriving at income which is taxed at alternative capital gain rates by federal, attributed to and allowed by Louisiana but not allowed by federal.

2. The numerator in the case of Louisiana net income which is taxed by federal at ordinary rates is the sum of:

a. the amount of net apportionable and net allocable income, less adjustment for the net operating loss deduction if applicable, subject to tax at ordinary rates for federal income tax purposes, apportioned and allocated to Louisiana;

b. any compensating item of gross income attributable to Louisiana and taxed by federal at ordinary rates but which is not taxed by Louisiana; and

c. any compensating item of deduction, of a character which would be allowable by federal in arriving at income which is taxed at ordinary rates, attributed to and allowed by Louisiana but not allowed by federal, and not attributable to any item of gross income taxable by Louisiana but not by federal; reduced by the sum of:

d. any compensating item of gross income, which would be subject to tax by federal at ordinary rates, attributed to and taxed by Louisiana but which is not taxed by federal;

e. any compensating item of deduction attributable to Louisiana and allowed by federal in arriving at income which is taxed at ordinary rates but not allowed by Louisiana;

f. any excess of the sum of:

i. any noncompensating item of deduction attributable to Louisiana and allowed by federal in arriving at income which is taxed at ordinary rates, but not allowed by Louisiana, and not attributable to any item of gross income taxable by federal but not by Louisiana; and

ii. any noncompensating item of gross income, of a character which would be subject to tax at ordinary rates, attributed to and taxed by Louisiana but which is not taxed by federal; over

iii. any noncompensating item of deduction, which would be allowable by federal in arriving at income which is taxed at ordinary rates, attributed to and allowed by Louisiana but not allowed by federal, and not attributable to any item of gross income taxable by Louisiana but which is not by federal.

D. Example. The following example illustrates these principles. Facts: The income reported and deductions claimed by ABC, Inc., a Delaware corporation having its commercial domicile in Louisiana and having several places of business outside this state, are reflected below. The difference between the federal depreciation deduction and the depreciation deducted in arriving at total net income is a compensating item. One-half of the total royalty income, depletion, and other expenses related thereto are attributable to a Louisiana oil property. There are \$15,000 in expenses attributable to the royalty income in addition to the depletion deduction. The portion of net income from royalties allocable to Louisiana is \$25,000. Of the total profit from the sale of capital assets, \$25,000 is allocable to Louisiana.

Items	----- RETURNS -----	
	Federal	Louisiana
Income		
Gross profit from sales	\$ 1,400,000	\$ 1,400,000
Royalties	100,000	100,000
Interest—Bond, State of Mississippi	-0-	5,000
Interest—Bond, U.S. Government	5,000	-0-
Long-term gain from sale of capital assets	100,000	100,000
Total Income	\$ 1,605,000	\$ 1,605,000
Deductions		
Louisiana income tax	10,000	-0-
Officers' compensation	50,000	50,000
Repairs	10,000	10,000
Interest	15,000	15,000
Bad debts	5,000	5,000
Depletion	27,500	35,000
Depreciation	25,000	35,000

Contributions		5,000	5,000
Other deductions		350,000	350,000
Total deductions		<u>\$ 497,500</u>	<u>\$ 505,000</u>
Net Income		<u>\$ 1,107,500</u>	<u>\$ 1,100,000</u>
Federal income tax—			
Ordinary income	\$518,400		
Capital gains	25,000		
Total	<u>\$543,400</u>		

1. The taxpayer files on the apportionment basis and the following computation discloses the net allocable and net apportionable income derived from Louisiana sources.

Total net income			\$ 1,100,000
Deduct allocable income			
Profit from sale of capital assets	\$ 100,000		
Interest—Bonds, State of Mississippi	5,000		
Net royalty income	50,000		\$ 155,000
Net income for apportionment			<u>\$ 945,000</u>
Net income apportioned to Louisiana (20% of \$945,000)			<u>\$ 189,000</u>
Add Louisiana allocable income			
Interest	\$ 5,000		
Profit from sale of capital assets	25,000		
Royalty income	25,000		55,000
Total Louisiana apportionable and allocable income			<u>\$ 244,000</u>

2. Computations

	Ordinary Rates	Alternative Capital Gains Rates
Net income apportioned and allocated to Louisiana	\$ 219,000	\$ 25,000
Add: Compensating items of income attributable to Louisiana and taxed by federal but which is not taxed by Louisiana	-0-	-0-
Compensating items of deduction attributed to Louisiana and allowed by Louisiana but not allowed by federal depreciation (20% of \$10,000)	2,000	-0-
Total:	<u>\$ 221,000</u>	<u>\$ 25,000</u>
Deduct: Compensating items of income attributed to and taxed by Louisiana but not taxed by federal	-0-	
Compensating items of deduction attributable to Louisiana and allowed by federal but not allowed by Louisiana	-0-	-0-
TOTAL:	<u>\$ 221,000</u>	<u>\$ 25,000</u>
Excess of the sum of noncompensating items of deduction attributable to Louisiana and allowed by federal but not allowed by Louisiana		
Louisiana income tax (20% of \$10,000)*	\$ 2,000	
Noncompensating items of gross income attributed to and taxed by Louisiana but which is not taxed by federal		
Bond interest—State of Mississippi	5,000	
Total	<u>\$ 7,000</u>	
Over		
Noncompensating items of deduction attributed to and allowed by Louisiana but not allowed by federal depletion on oil royalties	\$ 3,750	
Excess	\$ 3,250	-0-
Louisiana net income which is taxed by federal	<u>\$ 217,750</u>	<u>\$ 25,000</u>
Federal net income	\$ 1,007,500	\$ 100,000
	0	
Ratio	21.61%	25.00%
Federal income tax liability	\$ 518,400	\$ 25,000
Deductible federal income tax		
21.61% of \$518,400	<u>\$ 112,026</u>	
25% of \$25,000		\$ 6,250
Grand Total		<u>\$ 118,276</u>

* Where the separate method of reporting is used, the entire amount of Louisiana income tax deducted in the federal return is attributed to Louisiana under this item.

E. Consolidated Returns. When a corporation includes its net income in a consolidated federal income tax return, the portion of the consolidated federal income tax after credits attributable to such corporation shall consist of the sum of the amounts determined in §1123.E.1, 2, and 3:

1. the consolidated regular tax on ordinary net income multiplied by the percentage determined by a fraction, the numerator of which is regular tax on ordinary net income of each member of the consolidated group computed on a separate return basis and the denominator of which is regular tax of all members of the group so computed; plus

2. the consolidated alternative tax on net capital gains multiplied by the percentage determined by a fraction, the numerator of which is alternative tax on net capital gains of each member of the consolidated group computed on a separate return basis and the denominator of which is alternative tax on net capital gains of all members of the group so computed; plus

3. the consolidated alternative minimum tax multiplied by the percentage determined by a fraction, the numerator of which is alternative minimum tax of each member of the consolidated group computed on a separate return basis and the denominator of which is alternative minimum tax of all members of the group so computed.

F. Definitions

Alternative Minimum Tax? the excess of the federal tentative minimum tax after credits for the tax year, over the federal regular tax after credits for the taxable year.

Alternative Tax on Capital Gains? the net tax liability imposed by Section 1201(a)(2) of the *Internal Revenue Code* on net capital gains, less credits.

Compensating Item? any difference in any deduction or item of income for a particular year arising solely by reason of the fact that the item is accounted for in different periods for federal and Louisiana income tax purposes. However, if a larger federal income tax deduction would be allowable were an item treated as a compensating item than would be allowable were the item treated as a noncompensating item, the item is a compensating item only to the extent that it is equal to the result obtained by multiplying the difference in the item by a fraction determined as follows:

a. in the case of a deduction:

i. the numerator shall be the excess, if any, of the amount of the item allowed by federal over the amount allowed by Louisiana in each prior year in which the federal allowance exceeded the Louisiana allowance and which has been taken into consideration fully in determining the allowable federal income tax deduction for Louisiana income tax purposes for such prior years, plus the excess, if any, of the amount of the item to be allowed by federal over the amount to be allowed by Louisiana in each future year in which the federal allowance will exceed the Louisiana allowance and which reasonably can be expected to be taken into consideration in determining the allowable federal income tax deduction for Louisiana income tax purposes in such future years;

ii. the denominator shall be the total of all excesses of the amount of the item allowed by federal over the amount of the item allowed by Louisiana in each prior year and of all excesses of the amount of the item to be allowed by federal over the amount to be allowed by Louisiana in each future year;

b. in the case of an item of income:

i. the numerator shall be the excess, if any, of the amount of the item taxed by Louisiana over the amount taxed by federal in each prior year in which the amount taxed by Louisiana exceeded the amount taxed by federal and which has been fully taken into consideration in determining the allowable federal income tax deduction for Louisiana income tax purposes for such prior years, plus the excess, if any, of the amount of the item to be taxed by Louisiana over the amount to be taxed by federal in each future year in which the amount to be taxed by Louisiana

will exceed the amount to be taxed by federal and which can reasonably be expected to be fully taken into consideration in determining the allowable federal income tax deduction in such future years for Louisiana income tax purposes;

ii. the denominator shall be the total of all excesses of the amount of the item taxed by Louisiana over the amount taxed by federal in each prior year and of all excesses of the amount of the item to be taxable by Louisiana over the amount to be taxable by federal in each future year.

Income Taxed? income included in taxable income, regardless of whether tax has been paid thereon.

Item of Deduction? each individual deduction rather than each category of deduction, and includes loss items of gross income. For example, the amount of depreciation on a particular property, as distinguished from the amount of depreciation on all properties of the taxpayer, would be an item of deduction. Similarly, the term *item of income* means each amount of income rather than each category of income. The amount of a Louisiana item of income or deduction is the amount apportioned or allocated to Louisiana. Thus, where a taxpayer has a 10 percent apportionment ratio and has an item of deduction of \$10,000 allowed by Louisiana in arriving at apportionable net income but not allowed by federal, the amount of the Louisiana item is 10 percent of \$10,000 or \$1,000.

Noncompensating Item? any item of difference between federal and Louisiana income or deductions for a particular year other than a compensating item.

Regular Federal Income Tax? the sum of the tax defined in *regular tax on ordinary net income* and *alternative tax on capital gains*.

Regular Tax on Ordinary Net Income? the federal net tax liability imposed on net income after net income is reduced by the amount of net capital gain subject to alternative tax rates, less credits.

Taken into Consideration Fully in Determining the Allowable Federal Income Tax Deduction for Louisiana Income Tax Purposes for Prior Years? as used in this Section means fully used in reducing the amount of the federal income tax deduction for such prior years. The purpose of this provision is to allow an adjustment for an item which will increase the federal income tax deduction only to the extent that adjustments applicable to the item in prior years were used to decrease the federal income tax deduction. Similarly, the term *to be fully taken into consideration in determining the allowable federal income tax deduction in ... future years for Louisiana income tax purposes* means to be used fully in reducing the amount of the federal income tax deduction for such future years.

G. Special Rules

1. The computations prescribed in §1123.B are subject to the rules provided in R.S. 47:287.442. That is, the computations cannot have the effect of attributing refunds of federal income tax which arose on account of conditions or transactions occurring after the close of the taxable year, to any year other than that in which arose the transactions or conditions giving rise to the refund. Accordingly, appropriate changes shall be made when necessary to attribute the refund to the proper year.

2. Notwithstanding the definition provided in §1123.F. *Noncompensating Item* and *Compensating Item*,

deductions which are declared as allowable in the computation of Louisiana net income pursuant to R.S. 47:287.73(C)4 shall be treated as a compensating item of deduction for the purpose of computing the amount of federal income tax deduction under §1123.C.

3. The federal income tax deduction determined under §1123 must take into account R.S. 47:287.83 which provides in part that no federal income tax deduction shall be allowed on net income upon which no Louisiana income tax has been incurred, or upon which, for any reason whatsoever, no Louisiana income tax will be paid.

4. If the tax of any member computed on a separate return basis under §1123.E.1, 2, and 3 is less than zero, then for the purposes of §1123.E, such member's separate return tax shall be zero.

5. The secretary may adjust the consolidated federal income tax allocation formula prescribed in §1123.E when in his opinion such action is necessary to obtain a reasonable allocation and to clearly reflect Louisiana taxable income.

6. The sum of the net consolidated federal income tax attributed to all members of the consolidated group for the taxable period cannot exceed the amount of consolidated federal income tax paid to the U.S. government for the taxable period.

7. When the alternative tax rate on net capital gains is the same as the regular tax rate on ordinary net income reduced by net capital gains, consolidated regular tax on ordinary net income and alternative tax on capital gains, after credits, may be combined and then attributed to each member of the consolidated group.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.85.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:98 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1128. Segregation of Items of Gross Income

A. For the purpose of applying rules for determining the amount of income earned within or derived from sources in Louisiana, all items of gross income must be divided into two general classes-allocable income and apportionable income. The various types of income constituting allocable income are set forth in R.S. 47:287.92(B), and the specific basis for allocating each of these types of income is prescribed in R.S. 47:287.93. Any income which does not fall within any of the types of allocable income as listed in the statute must be treated as apportionable income. When Louisiana net apportionable income is derived primarily from the business of making loans, refer to R.S. 47:287.95(E) and §1134.E for the determination of the Louisiana apportionment percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.92.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:101 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1130. Computation of Net Allocable Income from Louisiana Sources

A. R.S. 47:287.93 provides that items of gross allocable income or loss shall be allocated directly to the states within which such items of income are earned or derived.

1. Reserved.
2. Reserved.

3. Profits from sales or exchanges of property not made in the regular course of business requires that both profits and losses from such transactions be included in income allocated directly to the state in which the property had its situs at the time of the transaction. Whether a sale or exchange is a sale not made in the regular course of business is a factual determination required to be made with respect to each property sold which will take into consideration such factors as the frequency of sales of similar properties and the relationship of the particular sale to other business transacted by the taxpayer.

4. Dividends, profits from the sale or exchange of capital assets consisting of incorporeal property or rights, and interest, other than interest on customers' notes and accounts and interest on securities having their situs in Louisiana received from a controlled corporation by its parent, shall be allocated to the state in which the securities or credits have their situs. If the securities or credits have been so employed as to acquire a business situs, the place of business situs controls. In the absence of a business situs the place of commercial domicile controls in the case of a corporation. (For special rules governing the situs of stock canceled in corporate liquidations see R.S. 47:287.747.) These rules are subject to the exception that dividends upon stock having a situs in Louisiana received by a corporation from another corporation which is controlled by the former, through ownership of 50 percent or more of the voting stock of the latter, shall be allocated to the state or states in which is earned the income from which the dividends are paid, such allocation to be made in proportion to the respective amounts of such income earned in each state.

5. 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.

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 1987, 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 for such use. The entire royalty income of \$100,000 is allocable to Louisiana.

6. Income from construction, repair or other similar services is allocable. The phrase *other similar services* means any work which 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. For the purpose of this Section, mineral properties, whether under lease or not, constitute immovable properties. It is not necessary that the services rendered actually result in the improvement of the immovable property. 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. Examples of other similar services are: (a) landscaping services; (b) the painting of houses; (c) the removal of stumps from farm land; (d) the demolition of buildings.

7. Interest on securities and credits having a situs in Louisiana which is received by a corporation from another corporation controlled by the former through the 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, determined as provided below. Whether the securities and credits have a situs in Louisiana shall be determined in accordance with the rules provided in §1130.A.4. For the purpose of this Section, 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 which it produces.

a. Value of Property to be Used. For purposes of this Section, the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, depletion, and obsolescence. The reserves reflected on the books of the taxpayer shall be deemed reasonable, subject to the right of the secretary to adjust the reserves when in his opinion such action is necessary to reflect the fair value of the property.

b. Average Values. For the purpose of this Section, the value of Louisiana real and tangible property and real and tangible property within and without the state shall be the average of such property at the beginning and close of the year, determined on a comparable basis.

B. 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 which are directly attributable to such income plus a ratable portion of the allowable deductions, except federal income taxes, which are not directly attributable to any item or class of gross income.

1. Direct and indirect expenses attributed to allocable income from foreign sources for federal purposes are deductible in arriving at total net allocable income. Expenses sourced pursuant to federal law and regulations to allocable income from foreign sources are presumed to be attributed to such income.

2. The approach set forth in these regulations for the allocation and apportionment of interest expense is based upon the concept of the fungibility of money and requires that interest expense ordinarily be allocated to all of the taxpayer's income-producing activities and properties, regardless of the specific purpose for which the borrowing was incurred; it does not directly require allocation of interest deductions to income. That is, these regulations assume that:

- a. money is fungible in that all of the taxpayer's activities and properties need funds;
- b. the taxpayer's management has substantial flexibility in the source and use of its funds;
- c. 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; and
- d. the use of money for one purpose frees funds for other purposes. Accordingly, the reasoning continues, it is appropriate to associate part of the cost of money borrowed for a specific purpose to other purposes as well.

3. Interest expense which is applicable to investments which produce or which are held for the production of allocable income within and without Louisiana, shall be an item of deduction in determining net allocable income or loss. For the purpose of this Subsection, investments which produce or which are held for the production of allocable income include but are not limited to investments in and advances or loans to affiliated corporations whether or not such investments, advances, or loans produce any income. The amount of interest which is applicable to such investments shall be determined by multiplying the total amount of interest expense by a ratio, the numerator of which is the average value of investments which produce or which are held for the production of allocable income, and the denominator of which is the average value of all assets of the taxpayer. Although interest on U.S. government bonds and notes is not taxable and hence is not included in allocable income, the adjustment for the amount of interest expense applicable to investments producing such income is computed in the same manner as in the case of investments producing allocable income. Thus for convenience of computation such investments are grouped with investments producing or held for the production of allocable income. Whenever interest expense applicable to U.S. government bonds and notes which are held as temporary cash investments determined as provided above, exceeds the amount of income derived from such investments, the interest expense which is attributable to such investments shall be limited to the amount so derived. The amount of interest expense applicable to U.S. government bonds and notes which are held as temporary cash investments, determined without reference to the income therefrom, is that portion of the interest expense applicable to investments which produce or which are held for the production of allocable income, which 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 investments which produce or which are held for the production of allocable income.

4. Interest expense which is applicable to investments which produce or which are held for the production of Louisiana allocable income shall be an item of deduction in determining net allocable income or loss from Louisiana. Except when Louisiana apportionable income is determined on the separate accounting method, the amount of interest which is applicable to such investments shall be determined by multiplying the amount of interest expense allocated to total allocable investments, 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 investments which produce or which are held for the production of Louisiana allocable income and the denominator of which is the average value of investments which produce or which are held for the production of allocable income within and without Louisiana. When Louisiana net apportionable income is determined on the separate accounting method, refer to §1132.C.1 for rules pertaining to the determination of the amount of interest expense applicable to Louisiana allocable income.

5. Value to be Used. For purposes of this Section, value means cost to the taxpayer, less a reasonable reserve for depreciation, depletion, and obsolescence. The reserves reflected on the books of the taxpayer shall be considered reasonable, subject to the right of the secretary to adjust the reserves when in his opinion such action is necessary to reflect the fair value of the property.

6. Average Value. For purposes of this Section, average value means the average of the value of the property at the beginning and at the close of the year.

7. Example: The XYZ Corporation has incurred interest expense in the amount of \$150,000 during the year 1986. During 1986 it derived total allocable income and Louisiana allocable income as follows:

	Louisiana	Total
*Interest on U.S. Treasury notes	\$ -0-	\$ 15,000
Dividends	-0-	5,000
Net rent income	10,000	10,000
Total	\$ 10,000	\$ 30,000

*Treated as allocable income only for convenience in computing the applicable expense.

Its assets, liabilities, and net worth as of January 1, 1986, and December 31, 1986, were as follows:

	12-31-86		1-1-86	
Cash		\$ 100,000		\$ 150,000
Accounts receivable		780,000		800,000
Inventories		600,000		1,000,000
Stocks		100,000		100,000
U.S. Treasury Notes		420,000		650,000
Real estate (rental property)	100,000		100,000	
Less depreciation reserve	20,000		25,000	
Net		80,000		75,000
Real estate	5,000,000		5,125,000	
Less depreciation reserve	1,080,000		1,300,000	
Net		3,920,000		3,825,000
Total Assets		<u>\$ 6,000,000</u>		<u>\$ 6,600,000</u>
Liabilities:				
Accounts payable	\$ 400,000		\$ 1,000,000	
Bonds	3,000,000		3,000,000	
Total Liabilities		<u>\$ 3,400,000</u>		<u>\$ 4,000,000</u>
Net Worth:				
Capital stock	\$ 2,000,000		\$ 2,000,000	
Earned surplus	600,000		600,000	
Net worth		<u>\$ 2,600,000</u>		<u>\$ 2,600,000</u>
Total Liabilities and Net Worth		<u>\$ 6,000,000</u>		<u>\$ 6,600,000</u>

The amount of interest which is applicable to the investments which produce or are held for the production of allocable income within and without Louisiana is \$16,963.50, determined as follows:

	Allocable Investments		Total Assets	
	1-1-86	12-31-86	1-1-86	12-31-86
U.S. Treasury Notes	\$ 420,000	\$ 650,000	\$ 420,000	\$ 650,000
Rental property (net)	\$ 80,000	75,000	80,000	75,000
Stock	100,000	100,000	100,000	100,000
Other assets	0	0	5,400,000	5,775,000
Totals	<u>\$ 600,000</u>	<u>\$ 825,000</u>	<u>\$ 6,000,000</u>	<u>\$ 6,600,000</u>
1-1-86 totals		600,000		6,000,000
Totals		<u>\$ 1,425,000</u>		<u>\$ 12,600,000</u>
Average		<u>\$ 712,500</u>		<u>\$ 6,300,000</u>
Ratio				.11309
Interest expense allocated to total allocable assets (.11309 x \$150,000)				<u>\$ 16,963.50</u>

The amount of interest expense which is applicable to the investments which produce or are held for the production of Louisiana allocable income is \$1,845.12, determined as follows:

Interest expense allocated to Louisiana allocable assets (.10877 x \$16,963.50) \$ 1,845.12

Louisiana allocable assets (rental property):	
January 1, 1986	\$ 80,000
December 31, 1986	75,000
Total	<u>\$ 155,000</u>
Average	\$ 77,500
Total allocable assets - average	712,500
Ratio	10.877
Interest expense allocated to total allocable assets	\$ 16,963.50

8. 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 which clearly reflects net allocable income from such items of income.

9. 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 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.

10. 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.

11. Special Rules

a. When a corporation has a Louisiana commercial domicile and directly owns 50 percent or more of the voting stock of another corporation, the stock shall be included in Louisiana allocable assets in calculating the amount of interest expense attributable to investments which produce or which are held for the production of Louisiana allocable income, except stock owned in a corporation exempt from Louisiana corporation income tax. The stock shall be attributed to Louisiana allocable assets on the basis of the respective amounts of income earned within Louisiana to the income earned everywhere of the controlled corporation.

b. When a corporation has a Louisiana commercial domicile and advances interest bearing funds to a corporation of which it directly owns 50 percent or more of the voting stock, the receivable shall be included in Louisiana allocable assets in calculating the amount of interest expense attributable to investments which produce or which are held for the production of Louisiana allocable income. The receivable shall be attributed to Louisiana allocable assets on the same basis as the income from which the receivable is attributed to Louisiana. For the purpose of this Subparagraph, real and tangible personal property

includes all such property of the controlled corporation whether or not the property is idle or productive and regardless of the type of income which it produces.

c. Accounts or notes receivable resulting from advances on non-interest bearing funds from one corporation to another corporation 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 investments which produce or which are held for the production of allocable income from sources within and without Louisiana.

d. When a corporation has a Louisiana commercial domicile, accounts or notes receivable resulting from advances of non-interest bearing funds from one corporation to another corporation shall not be included in the numerator of the interest expense allocation formula for the purpose of §1130.B.4, except when the secretary, in order to clearly reflect Louisiana apportionable and allocable net income, imputes interest income on such receivables.

e. For the purpose of §1130.B.11.a and b, direct ownership of 50 percent or more of the voting stock of a corporation constitutes control of that corporation.

f. The secretary is authorized to adjust the allocation of interest expense and/or overhead expense applicable to investments which produce or which are held for the production of allocable income within and without Louisiana if he determines that such adjustment is necessary in order to clearly reflect apportionable and allocable net income.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.93.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:101 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1132. Computation of Net Apportionable Income from Louisiana Sources

A. General

1. From the total gross apportionable income there shall be deducted all expenses, losses and other deductions except federal income taxes, allowable under this Chapter, which are directly attributable to such income, and there also shall be deducted a ratable portion of allowable deductions, except federal income taxes, which are not directly attributable to any item or class of gross income. Direct and indirect expenses attributed to total allocable income derived from foreign sources, for federal purposes, are not deductible in arriving at total net apportionable income. Expenses sourced pursuant to federal law and regulations to allocable income from foreign sources are presumed to be attributed to such income.

2. R.S. 47:287.94 provides two methods for computing the amount of net apportionable income from Louisiana sources, viz., the apportionment method and the separate accounting method. The apportionment method must be used unless it produces a manifestly unfair result and the conditions prescribed by R.S. 47:287.94 are met. Where the apportionment method is utilized, the apportionment percentage must be applied to the total apportionable net income without exception. For rules pertaining to the determination of the apportionment percentage refer to §1134.

B. Separate Accounting Method; Permission Obtained from Secretary. Any taxpayer desiring to use the separate accounting method in determining the portion of the total net apportionable income derived from Louisiana sources must first obtain permission from the secretary to use that method. A written request for such permission should be submitted to the secretary not more than 30 days after the close of the taxable year for which the first use of the separate accounting method is to be made if the permission is granted. The secretary will grant such permission if the taxpayer demonstrates to his satisfaction that the apportionment method as applied to the business operations of the taxpayer would produce a manifestly unfair result, that the separate accounting method produces a fair and equitable determination of the amount of net income taxable by Louisiana, and that the other conditions of R.S. 47:287.94 are met. The application of the taxpayer must be accompanied by the following information:

1. a complete description of the nature of the business operations of the taxpayer in Louisiana;
2. a complete description of the nature of the business operations of the taxpayer in other states;
3. a comprehensive statement as to the sources of goods or commodities sold by the taxpayer in Louisiana;
4. a comprehensive statement as to the disposition of goods or commodities produced by the taxpayer in Louisiana;
5. a computation for the preceding taxable year showing the Louisiana net apportionable income on the apportionment basis and on the separate accounting basis;
6. a statement of the particular circumstances in the taxpayer's business operations and the particular factors or elements in the apportionment formula which give rise to the difference between the amounts of Louisiana net apportionable income as computed under the two methods;
7. a statement as to whether the circumstances, factors, and elements mentioned in §1132.B.6 are relatively permanent so that the two methods would reasonably be expected to yield similar differences in results each year, or whether in the ordinary course of the taxpayer's business those circumstances have changed from time-to-time and may be expected to do so in the future; and
8. any other information which the taxpayer may consider pertinent.

C. Separate Accounting of Apportionable Income.

1. When the separate accounting method is used, the net apportionable income taxable in Louisiana shall be determined by deducting from the gross apportionable income from sources in Louisiana all costs and expenses directly attributable to such income and a ratable part of overhead expenses and other expenses which are attributable in part to the Louisiana gross apportionable income.

2. When Louisiana net apportionable income is determined on the separate accounting method, interest expense applicable to Louisiana gross apportionable and allocable income shall be deducted from such gross income for the purposes of determining Louisiana net apportionable and allocable income or loss. The amount of interest expense applicable to Louisiana gross apportionable and allocable income shall be determined by multiplying total interest expense by a ratio, the numerator of which is the average

value of assets in Louisiana and the denominator of which is the average value of all assets of the taxpayer.

3. For the purposes of this Paragraph, *value to be used* and *average value* mean the same as defined in §1130.B.6 and 7. Special rules as provided in §1130.B.11 also apply to this Section.

4. When Louisiana net apportionable income is determined on the separate accounting method, overhead expense shall be deducted from Louisiana gross apportionable income for the purposes of determining Louisiana net apportionable income or loss. The amount of such overhead expense shall be determined by multiplying total overhead expense attributable to gross apportionable income by a ratio, the numerator of which is the amount of direct cost incurred in the production of Louisiana gross apportionable income determined on a separate accounting method and the denominator of which is total direct cost incurred in the production of gross apportionable income from all sources. For the purpose of this Paragraph, the secretary is authorized to adjust the amount of overhead expense allocated to Louisiana gross apportionable income if he determines that such action is necessary in order to clearly reflect Louisiana apportionable net income. For rules pertaining to the determination of the amount of overhead expense attributable to gross allocable income refer to §1130.B.8, 9 and 10.

5. Income from Natural Resources. If the separate accounting method is used by a taxpayer whose business includes the production of natural resources, such as oil, gas, other liquid hydrocarbons, or sulphur, (a) which are sold by the taxpayer prior to refining or processing, or (b) which are transported by the taxpayer into or from the state of Louisiana for refining or processing prior to sale and at the time of production or transfer into or from this state have an ascertainable market value, the Louisiana net apportionable income of such taxpayer shall be computed as set forth below.

a. The gross apportionable income of the taxpayer from sources in Louisiana shall be determined by dividing the activities of the taxpayer into three classes:

- (i). the production of natural resources;
- (ii). the marketing of refined or manufactured products; and
- (iii). all other activities.

b. The Louisiana gross apportionable income from the production of natural resources shall include:

- (i). sales of natural resources produced in Louisiana and sold in this state;
- (ii). the market value, at the time of transfer, of all natural resources produced in this state and transferred by the taxpayer to another state for sale, refining, or processing, provided that if the natural resources are sold by means of an "arm's length" transaction prior to refining or processing, the market value prescribed herein shall not exceed the selling price; and
- (iii). the market value, at the time of transfer, of all natural resources produced by the taxpayer in Louisiana and transferred to a refinery or processing plant of the taxpayer located in Louisiana.

c. The Louisiana gross apportionable income from the marketing of refined or manufactured products shall be the amount of gross sales of such products in this state. From

such gross sales there shall be deducted, in lieu of the usual deduction for cost of goods sold, the market value of the products sold at the time of transfer into this state. In determining the market value, the customary prices for the quantities transferred shall be applied.

d. The Louisiana gross apportionable income from all activities in this state other than the production of natural resources and the marketing of refined or manufactured products shall include all sales and other apportionable revenues derived in this state from such other activities.

e. The net income of the taxpayer from each of the three classes of income set forth in §1132.C.5.b, c, and d shall be determined by deducting from each such class of gross income all allowable deductions directly attributable to the production of such income and a ratable part of all allowable deductions which are attributable in part to the production of such class of income.

6. For the purpose of this Section, a natural resource shall be deemed to be sold in Louisiana if it is located in this state at the time title thereto passes to the purchaser.

7. In the absence of specific proof of the value of natural resources at the time of transfer from or into this state, the value of the natural resources at the time of production, to be determined in accordance with the methods prescribed for the determination of "gross income from the property" for purposes of percentage depletion under R.S. 47:287.745(B), shall be deemed to be the market value at the time of transfer.

D. Change from Separate Accounting to Apportionment Method. A taxpayer who has obtained permission to use the separate accounting method, or who has been required by the secretary to use that method, shall continue to use that method for succeeding taxable years until a change occurs in the nature of the taxpayer's operations which would warrant a change in accounting method. When such a change occurs, the taxpayer shall report the facts to the secretary not later than 30 days after the close of the taxable year in which the change occurred. If the secretary finds, on the basis of the facts reported by the taxpayer or otherwise obtained by the secretary, that the apportionment method should be used, the taxpayer will be notified to use that method for the year in which the change in operations occurred. The apportionment method shall then be used until a change is made pursuant to R.S. 47:287.94.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.94.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:104 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1134. Determination of Louisiana Apportionment Percent

A. General. R.S. 47:287.95 provides for an apportionment percent which 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, and other transportation businesses, certain service enterprises, and loan businesses. 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 is zero in any one or more factors in the apportionment formula, such factor shall be dropped from the apportionment formula and the arithmetical average determined from the total remaining factors.

B. Property Factor

1. The value of immovable and corporeal movable property owned by the taxpayer and used in the production of net apportionable income is a factor in each formula except those provided for loan businesses and certain service businesses. 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 factor. However, where the entire property is used in the production of both allocable and apportionable income, such as a railroad track owned by the taxpayer and used jointly with another, the value of the entire property shall be included in the property factor. Idle property and property under construction, during such construction and prior to being placed in service, shall not be included in the property factor. 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 which is held as a reserve source of fuel, should include the value of such deposits in the property factor. Non-productive mineral leases are considered to be held for such use and should be included in the property factor. Aircraft owned by a taxpayer whose net apportionable income is derived primarily from air transportation should not be included in the property factor. 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.

2. Value of Property to be Used. For purposes of this Section, the value of property is cost to the taxpayer, less a reasonable reserve for depreciation, depletion and obsolescence. Such reserves, reflected on the books of the taxpayer, shall be used in determining value, subject to the right of the secretary to adjust the reserves when in his opinion such action is necessary to reflect the fair value of the property.

3. 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 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 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 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 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 streams bordering on both Louisiana and another state shall be considered Louisiana bank miles.

4. 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 on any method deemed reasonable by him.

C. Wage Factor. 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. It does not include fees and commissions paid to independent contractors.

D. Revenue Factor. Revenue is a factor in each formula except that provided for loan businesses. This factor is generally composed of sales, charges for service, and other gross apportionable income.

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. 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 one 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 one mile;

c. in the case of the transportation of property other than liquids, the transportation of one ton of the property a distance of one mile;

d. in the case of the transportation of natural gas, the transportation of one MCF a distance of one mile (see however, §1134.D.2);

e. transportation revenue should be segregated on the basis of the four classes enumerated above and the gross apportionable income attributable to Louisiana shall be determined by application of the respective ratios to each segregated amount. 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.

2. Sales Made in the Regular Course of Business

a. The sales attributable to Louisiana under R.S. 47:287.95 are those sales made in the regular course of business 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 therefor 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 taxpayer-vendor 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. Actual delivery rather than technical or constructive delivery controls.

c. Where the transportation involved is transportation by the purchaser, in determining whether or not the transportation relates to the sale by 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 vendor 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. The sales of natural resources to a pipeline company are attributable to the state in which the goods are placed in the pipeline. Such purchasers are engaged in the business of moving or transporting their own property through their own lines. Thus, all transportation of the natural resources after introduction into the line is related to the use or sale by the pipeline, and is not related to the sale by the taxpayer.

e. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. Actual delivery to the purchaser controls, rather than technical or constructive delivery. 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 carrier 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.

f. Examples

i. Three different taxpayers, A, B, C, all in Texas, each sells to X Refinery, in Louisiana, 10,000 barrels of crude oil, shipped F.O.B., Texas, by public carrier pipeline. (a) If X Refinery received all 30,000 barrels in Louisiana, each taxpayer must attribute his total sale to Louisiana. (b) If X Refinery receives 10,000 barrels in Louisiana, 10,000 barrels in Mississippi, and 10,000 barrels in Alabama, it cannot be said by any taxpayer that all of his sale was received either in Louisiana or in one of the other states. Since each taxpayer contributed one-third of the mass of commingled crude oil, it follows that one-third of each taxpayer's sale was received in Louisiana, and accordingly must be attributed to Louisiana.

ii. Three different taxpayers, A, B, and C, in Texas, sell to three different purchasers, X Refinery in Louisiana, Y Refinery in Mississippi, and Z Refinery in Alabama. If A sells to X Refinery in Louisiana and delivery is by public carrier pipeline, the oil is received in Louisiana and the entire sale is attributed to Louisiana, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline with oil sold by B and C to Y Refinery and Z Refinery.

g. 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.

E. Loans factor. Loans made by the taxpayer as provided in R.S. 47:287.95(E) is the arithmetical average of the loan balances outstanding at the beginning and end of the taxable period. This factor is to be used only by taxpayers whose income is derived primarily from the business of making loans. If the average at the beginning and end of the year does not fairly represent the average of loans outstanding during the year, the average may be obtained by dividing the sum of the monthly balances by 12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.95.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:105 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1137. Exceptions to Taxable Year of Inclusion; Taxable Year Deductions Taken

A. Improperly Reported Item of Income. R.S. 47:287.442(A) does not relieve a taxpayer of the responsibility of filing a true and correct return and immediately correcting any errors which are discovered after the return is filed. If an error is discovered, it is the obligation of the taxpayer to file promptly an amended return reflecting the correct tax liability. The purpose of R.S. 47:287.442(A), so far as it deals with improperly reported items of income, is to preclude a taxpayer's being required to pay again on an item of income which has borne tax in full previously, even though for a period in which it was not properly reportable. An item of income will be deemed to have previously borne tax in full if the item, when multiplied by the lowest tax rate applicable to the taxpayer, results in a tax not less than the amount of tax actually paid on the return. If the item has not previously borne tax in full, R.S. 47:287.442(A) is not applicable to that portion of the item which has not previously borne tax. That portion, which shall be the difference between the item of income and the taxable balance of net income, shall be reported as income during the year it was properly reportable.

B. Example: The ABC Corporation, by mistake, reported on its 1982 income tax return an item of accrued interest in the amount of \$5,000 which was properly reportable in 1983. It paid the Louisiana income tax shown to be due on the return. The company never discovered its error. In 1987, the secretary discovers the error. The return for 1982 shows the following.

Accrued interest	\$ 5,000
Income from operations	20,000
Total income	\$ 25,000
Less total authorized deductions	\$ 21,000
Taxable income	\$ 4,000
Tax per return	\$ 160
Computation to determine if item has borne tax in full:	
Amount improperly reported	\$ 5,000
Tax at lowest rate of taxpayer	\$ 200
Tax paid	160
Amount of tax unpaid	\$ 40
Computation of portion of item to be reported in 1983:	
Improperly reported item	\$ 5,000
Taxable balance of net income in 1982	4,000
Portion of item to be reported	\$ 1,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.442.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1140. Exemption from Tax on Corporations

A. An organization claiming exemption under R.S. 47:287.501 must submit a copy of the Internal Revenue Service ruling establishing its exempt status. Once an organization establishes with the department its right to an exemption, it need not file any further reports until such time its right to an exemption changes. An organization that has furnished information to the department establishing its right to exemption under the prior law need not submit additional information until such time its exempt status with the Internal Revenue Service changes. A corporation is either

entirely exempt or it is wholly taxable. A partial exemption is not permitted.

B. Mutual savings banks, national banking corporations, building and loan associations, and savings and loan associations are exempt from the tax imposed by this Chapter regardless of where organized.

C. Banking corporations organized under the laws of the state of Louisiana which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock, are exempt. Banking corporations, other than those described above, organized under the laws of a state other than the state of Louisiana are not exempt from the corporation income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.501.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1147. Notice of Regulation, Requiring Records, Statements and Special Returns

A. Every corporation subject to the provisions of Part II.A of Chapter 1 shall, for the purpose of enabling the secretary to determine the correct amount of income subject to tax, keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income and the deductions, credits, and other information required to be shown in any return. Such books or records required by this Section shall be available at all times for inspection by the secretary, and shall be retained so long as the contents thereof may be material in the administration of the income tax law. The secretary may at any time require the taxpayer to submit statements of net worth as of the beginning and end of the taxable year.

AUTHORITY NOTE: Promulgated in accordance with R.S.47:287.601.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1148. Corporation Returns

A. General Rules. Every corporation deriving income from Louisiana sources shall file a return on forms secured from the secretary, unless expressly exempt from the tax. The first return and the last return of a corporation are returns for a full year and not for a fractional part of a year. A corporation does not go out of existence by virtue of being managed by a receiver or trustee who continues to operate it.

B. Liquidation. Upon liquidation or dissolution of a corporation there shall be attached to the final return a statement showing:

1. an outline of the plan under which the corporation was dissolved;
2. the date the dissolution was formally commenced;
3. the date the dissolution was completed;
4. the name and address of each shareholder at dissolution and the number and par value of the shares of stock held by each;
5. a description of assets conveyed to each shareholder, creditor, or other person, showing book value, fair market value, and location, as well as the name and address of each such person;
6. the consideration paid by each person for the assets received; and

7. whether the plan is intended to qualify under one of the sections of the Internal Revenue Code relating to nonrecognition in whole or in part of gain by a shareholder, and, if so, the section involved.

C. Receivers. Receivers, trustees in dissolution, trustees in bankruptcy, and assignees, operating the property or business of corporations, must file returns for such corporations. If a receiver has full custody of and control over the business or property of a corporation, he shall be deemed to be operating such business or property within the meaning of R.S. 47:287.612 whether he is engaged in carrying on the business for which the corporation was organized or only in marshaling, selling, and disposing of its assets for purposes of liquidation. However, a receiver in charge of only part of the property of a corporation, as, for example, a receiver in mortgage foreclosure proceedings involving merely a small portion of its property, need not file a return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.612.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1168. Notice of Fiduciary Relationship

A. Notice. As soon as the secretary receives notice that a person is acting in a fiduciary capacity, such fiduciary must, except as otherwise specifically provided, assume the powers, rights, duties, and privileges of the taxpayer with respect to the income tax imposed by Part II.A. of Chapter 1. If the person is acting as a fiduciary for a transferee or other person subject to the liability specified in R.S. 47:287.682, such fiduciary is required to assume the powers, rights, duties, and privileges of the transferee or other person under that section. The amount of the tax or liability is ordinarily not collectible from the personal estate of the fiduciary, but is collectible from the estate of the taxpayer or from the estate of the transferee or other person subject to the liability specified in R.S. 47:287.682. [See however R.S. 47:1673]. The "notice to the secretary" provided for in R.S. 47:287.683 shall be a written notice signed by the fiduciary and filed with the secretary. The notice must state the name and address of the person for whom the fiduciary is acting, and the nature of the liability of such person; that is, whether it is a liability for tax, and if so, the year or years involved, or a liability at law or in equity of a transferee of property of a taxpayer, or a liability of a fiduciary in respect of the payment of any tax from the estate of the taxpayer. Any such written notice which has previously been filed with the secretary shall be considered as sufficient notice. Unless there is already on file with the secretary satisfactory evidence of the authority of the fiduciary to act for such person in a fiduciary capacity, such evidence must be filed with and made a part of the notice. If the fiduciary capacity exists by order of court, a certified copy of the order may be regarded as such satisfactory evidence. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the secretary written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. The notice of termination should state the name and address of the person, if any, who has been substituted as fiduciary.

B. Effect of Failure to Give Notice. If the notice of the fiduciary capacity described in Subsection A above is not filed with the secretary before the sending of notice of assessment by registered mail to the last known address of the taxpayer, or the last known address of the transferee or other person subject to liability, no notice of the deficiency will be sent to the fiduciary. In such a case the sending of the notice to the last known address of the taxpayer, transferee, or other person, as the case may be, will be a sufficient compliance with the requirements of the income tax law, even though such taxpayer, transferee, or other person is deceased, or is under a legal disability, or in the case of a corporation, has terminated its existence. Under such circumstances if no petition is filed with the Board of Tax Appeals within 60 days after the mailing of the notice to the taxpayer, transferee, or other person, the assessment becomes final upon the expiration of such 60-day period and demand for payment will be made.

C. Definition. The term *fiduciary* means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

D. Limitation. This regulation shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of the income tax law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.683.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:109 (February 1988), repromulgated by the Policy Services Division, LR 30:

§1189. Situs of Stock Canceled or Redeemed in Liquidation

A. General Rule. R.S. 47:287.747 provides that the situs of stock canceled or redeemed in the liquidation of a corporation, whether domestic or foreign, shall be in Louisiana in the same ratio that property located in Louisiana, and received by a shareholder, bears to the total property received in the liquidation. *Property* as used in R.S. 47:287.747 means all of the assets of the liquidating corporation without regard to liabilities. For the purpose of determining the situs of the stock canceled or redeemed in liquidation, the fair market value of the property distributed in liquidation shall be used. The location of the property of the corporation shall be determined in accordance with the provisions of R.S. 47:287.93.

B. Example: X, shareholder, owns 10 percent of the shares of ABC, Inc., a foreign corporation. The basis of X's shares is \$1,000. On July 1, 1986, ABC Inc., liquidates and exchanges the following property for its outstanding stock, which it cancels.

	Total Assets (Fair Market Value)	Louisiana Assets (Fair Market Value)
Cash	\$ 10,000	\$ 2,000
Accounts receivable	50,000	8,000
Buildings	60,000	30,000
Land	60,000	10,000
Stocks	20,000	0
	\$ 200,000	\$ 50,000

Since one-fourth of the assets distributed in liquidation are located in Louisiana, one-fourth of X's stock has its situs in Louisiana.

Gain is computed as follows:

Fair market value of property received	\$ 20,000
Basis of property received	1,000
Gain	\$ 19,000
Louisiana taxable gain (1/4 of \$19,000)	\$ 4,750

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.747.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:109 (February 1988), repromulgated by the Policy Services Division, LR 30:

Family Impact Statement

The repromulgation of LAC 61:I.1115-1189, which reaffirms the secretary's rule making authority, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m. Wednesday, January 28, 2004. A public hearing will be held on Thursday, January 29, 2004 at 10 a.m. in the River Room Conference Room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Corporation Income Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this proposed repromulgation of LAC 61:I.1115-1189 will result in no expenditures for the department. The repromulgation of the corporation income tax regulations reaffirms the secretary's rule making authority with respect to the corporation income tax. There will be no impact on local government costs.

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 directly affected persons or nongovernmental groups. Current compliance requirements will not change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed repromulgation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0312#054

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Community Services

Levels of Care (LAC 67:V.3505)

The Department of Social Services, Office of Community Services (OCS) proposes to change the method of compensation to foster parents for the time, attention, and tasks required to address the special needs of the foster children in their homes. The proposed compensation method called Levels of Care will have five rate components: basic, initial placement, supplemental tasks and activities, positive outcome and administrative. The method has been tested and piloted in the OCS Covington Region since December, 2001. It has been applied to all OCS regular foster homes in Covington Region since June, 2002. The OCS staff met with foster parents, OCS contracted private providers of therapeutic family care (TFC) and private foster care (PFC) in that region to introduce Levels of Care. Statewide implementation planning and training has been planned to begin in the Fall of 2003. OCS intends to have all foster homes, OCS regular foster homes, OCS Alternative foster homes, and OCS Specialized Foster Homes receiving Levels of Care compensation by January 1, 2005. The only OCS foster homes that will continue to receive subsidy payments after January 1, 2005 will be the Diagnostic and Assessment foster homes. All private provider foster homes and therapeutic foster homes will receive Levels of Care compensation by January 1, 2006.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 5. Foster Care

Chapter 35. Payments, Reimbursables, and Expenditures

§3505. Levels of Care

A. The Department of Social Services, Office of Community Services (DSS/OCS) is implementing a new method of compensation to foster parents. The new method, called Levels of Care, will establish a rate of compensation for caring for each individual foster child that is based on five components, as applicable:

1. basic;
2. initial placement;
3. supplemental tasks and activities;
4. positive outcome; and
5. administrative.

B. Basic? a standard board rate of compensation based upon a child's age.

C. Initial Placement? a one-time rate based upon the unique adjustment needs of children as they come into foster care. This rate is approximately 50 percent of the basic board

rate and is applied for the first 30 days that a child is in custody and placed in a foster home.

D. Supplemental Tasks and Activities (STAR)? a customized rate which is based upon a child's individual needs across five assessment categories and the foster parents' supplemental tasks and activities required to nurture the child. There are five daily rate intervals within each of the five STAR assessment categories. This rate is intended to approximate the time and attention required of foster parents to nurture a child's relationship with his biological family and to attend to the child's individualized treatment needs.

E. Positive Outcome? a rate which would follow a reduction in the special needs rate when an improvement in the foster child's problems/behaviors is attributable to the foster parent's contributions. The positive outcome rate lessens the reduction in the special needs rate for a specific period of time.

F. Administrative? a rate to be paid to private child placing agencies relative to foster children placed in foster homes which they employ and supervise. Private child placing agencies currently apply varying administrative rates for their therapeutic foster care and private foster care programs. These administrative rates as well as the provider service expectations will be generalized under a single administrative rate component of Levels of Care.

G. With the exception of diagnostic and assessment subsidy foster homes, DSS/OCS will end all other foster home subsidies i.e. OCS alternative foster care homes and OCS specialized foster homes. These homes will be notified on or before, January 1, 2004, that the subsidies will close December 31, 2004. The notification will be in accordance with OCS policy.

AUTHORITY NOTE: Promulgated in accordance with RS 36:477(C)(1)

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services LR 30:

Family Impact Statement

1. The Effect on the Stability of the Family. The proposed Rule has no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding Education and Supervision of their Children. The proposed Rule has no effect on the authority and rights of parents regarding education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule has no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule has no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule has no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or Local Government to Perform the Function as contained in the Proposed Rule. The proposed Rule has no effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Submit written comments up to 40 days following the date of this publication to Carmen D. Weisner, Assistant

Secretary, P.O. Box 3318, Baton Rouge, LA 70821. She is the person responsible for responding to inquiries.

A public hearing will be held on Monday, January 26, 2004, at the Office of Community Services state office in the Commerce Building, 333 Laurel Street, Baton Rouge, LA 70801, Room # 652 at 9:30 a.m.

Gwendolyn P. Hamilton
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Levels of Care

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no overall cost savings, as the \$1,800,000 currently funding the subsidy for 145 Alternative and Specialized foster homes will be used to fund the increased costs for specialized care to all payable foster homes providing this type of care. This will increase funding for specialized care compensation to foster parents from the current 54 percent to 84 percent of all payable foster care placements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately 75 percent of the Office of Community Services foster homes and the private provider foster homes will either receive an increase (58 percent) in special board or will stay the same (17 percent). Approximately 25 percent of the general foster homes will receive a decrease, most decreases will be under \$100.

There will be no effect on revenue collections of state or local governmental units. There will be no need for additional revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Our expenditures will remain the same but funds will be more appropriately distributed to foster family homes.

It is estimated that approximately 75 percent of the Office of Community Services foster homes and the private provider foster homes will either receive an increase (58 percent) in special board or will stay the same (17 percent). Approximately 25 percent of the general foster homes will receive a decrease, most decreases will be under \$100.

The Department of Social Services, Office of Community Services (DSS/OCS) plans to implement a more equitable system of remuneration to foster parents which will more accurately reflect the time and effort needed to care for each specific child placed in the custody of the DSS/OCS. This system, called Levels of Care (LOC), will also improve the agency's ability to sustain existing foster parents and recruit new foster parents by recognizing the value of the resources (education, work experience, and foster parent service) that foster parents bring to foster children.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Debbie Johnson
Budget Manager
0312#110

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

Food Stamp Program? Time Limitation for Certain Aliens (LAC 67.III.1932 and 1995)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to Public Law 107-171, The Food Stamp Reauthorization Act of 2002, the agency is amending §§1932 and 1955, to comply with mandates issued by the U. S. Department of Agriculture, Food and Nutrition Service. This law, also known as the 2002 Farm Bill, authorized changes in qualified alien regulations to be effected October 1, 2003. Section 4401 of P.L. 107-171 provides for the restoration of food stamp eligibility to qualified aliens who are otherwise eligible and under the age of 18 regardless of their date of entry into the United States. The law previously allowed only those qualified alien children who were in the country as of August 26, 1996, to be eligible for benefits. Section 4401 also eliminates the deeming requirements for any qualified alien under the age of 18. These requirements count the income and resources of the alien's sponsor when determining Food Stamp eligibility and benefit amounts for the alien child.

A Declaration of Emergency effecting these changes was signed October 1, 2003, and published in the October issue of the *Louisiana Register*.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter D. Citizenship and Alien Status

§1932. Time Limitations for Certain Aliens

A. ...

B. The following qualified aliens are eligible for an unlimited period of time:

1. - 5. ...

6. effective October 1, 2003, individuals who are lawfully residing in the United States and are under 18 years of age;

7. ...

AUTHORITY NOTE: Promulgated in accordance with P. L. 104-193, P. L. 105-33, P. L. 105-185, and P. L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:711 (April 1999), amended LR 29:606 (April 2003), LR 30:

Subchapter K. Action on Households with Special Circumstances

§1995. Sponsored Aliens

A. The full amount of income and resources of an alien's sponsor and the sponsor's spouse are counted in determining the eligibility and allotment level of a sponsored alien until the alien becomes a citizen or has worked 40 qualifying quarters of Social Security coverage. These provisions do not apply to battered aliens, their children, the alien parent of a battered child, or effective October 1, 2003, any alien under 18 years of age.

AUTHORITY NOTE: Promulgated in accordance with F.R. 47:55463 et seq. and 47:55903 et seq., 7 CFR 273.11, P.L. 104-193, P. L. 104-208, P. L. 105-33, and P. L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:130 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 23:83 (January 1997), LR 24:355 (February 1998), LR 30:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? Implementation of this Rule will have little 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? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? Family earnings and budget could be positively affected by restoring benefits to those alien children who entered the United States after August 26, 1996.

5. What effect will this have on the behavior and personal responsibility of children? There will be no effect on the behavior and personal responsibility of the 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.

All interested persons may submit written comments through January 28, 2004, to Mary M. Joseph, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065.

A public hearing on the proposed Rule will be held on January 28, 2004, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Food Stamp Program? Time Limitation for Certain Aliens

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed amendments could increase state costs by making more qualified alien children eligible for food stamp benefits. However, an increase in expenditures in the form of food stamp benefits will be paid directly with federal dollars. It is estimated that the increase in food stamp benefits would be minimal. The cost of publishing the rule and printing policy changes is estimated to be \$375 and routinely included in the

- agency's annual budget. There will be no costs to local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no impact on revenue collections for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs to any persons or non-governmental groups as a result of this proposed rule.
Qualified aliens under 18 years of age who are determined eligible as a result of these proposed changes could realize economic benefits in the form of food stamps benefits but this amount is expected to be minimal. Non-governmental groups will not be impacted economically by this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no impact on competition or employment.

Mary M. Joseph
Assistant Secretary
0312#107

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

Strategies to Empower People (STEP) Program
(LAC 67:III.1209, 1213, 1221, 1231,1237-1249, 1983, 1987,
5103-5107, 5111, 5321, 5335, 5339, 5341, 5701-5729)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to Act 58 of the 2003 Regular Session of the Louisiana Legislature, the Department of Social Services, Office of Family Support, proposes to adopt LAC 67:III, Subpart 16, Chapter 57, Strategies to Empower People (STEP) Program and to amend Subpart 2, Chapter 12, Family Independence Temporary Assistance Program (FITAP), Subpart 3, Chapter 19, Food Stamps, Subpart 12, Chapter 51, Child Care Assistance Program (CCAP), and Subpart 13, Chapter 53, Kinship Care Subsidy Program (KCSP).

Pursuant to Act 58 of the 2003 Regular Session of the Louisiana Legislature, otherwise known as the Universal Engagement and Personal Responsibility Act, the Strategies to Empower People (STEP) Program was implemented effective October 1, 2003, by a Declaration of Emergency. The program replaces the Family Independence Work Program (FIND Work) and will assist Louisiana families in becoming economically self-reliant so that their dependence on government benefits for basic needs is minimized. As a result of this implementation, changes are necessary to the FITAP, Food Stamp, CCAP and KCSP programs so that language concerning FIND Work can be replaced with language reflecting the STEP program as well as other changes necessitated by the implementation of STEP.

Title 67 SOCIAL SERVICES Part III. Family Support

Subpart 2. Family Independence Temporary Assistance Program

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1209. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

- 1 - 9. ...
10. Repealed.
11. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B. and R.S. 46:237; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 29:2565 (December 2002), LR 30:

§1213. Domestic Violence

A. The secretary shall waive, for as long as necessary, pursuant to a determination of good cause, any public assistance program requirement that will create obstacles for a victim of domestic violence to escape a domestic violence situation, including but not limited to, time limits on receipt of assistance; work, training, or educational requirements; limitations on TANF assistance to noncitizens; child support or paternity establishment cooperation requirements; residency requirements; and any other program requirements which will create obstacles for such victim to escape violence or penalize that victim for past, present, and potential for abuse. However, a victim of domestic violence shall develop a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of a domestic violence situation. This plan shall be made part of the participant's Family Success Agreement.

- B. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 30:

Subchapter B. Conditions of Eligibility

§1221. Age Limit

A. A dependent child must be:

1. under 18 years of age; or
2. 18 years of age, enrolled in a secondary school or its equivalent, and expected to graduate on or before his 19th birthday.

- B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.2; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2448 (December 1999), amended LR 30:

§1231. Immunization

A. Failure to follow the schedule of immunizations as promulgated by the Louisiana Office of Public Health for any child under 18 years of age, without good cause, shall result in case closure.

1. The appropriate STEP sanction shall be imposed on a work-eligible family.

2. The case of a family that is not work-eligible shall be closed for at least one month and until the child is in compliance.

B. No person is required to comply with this provision if that person or his/her parent or guardian submits a written statement from a physician stating that the immunization procedure is contraindicated for medical reasons, or if the person or his/her parent or guardian objects to the procedure on religious grounds.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.4; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 30:

§1237. School Attendance

A. Work-eligible FITAP recipients must meet the school attendance requirements outlined in LAC 67:III.Chapter 57.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.3; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2452 (December 1999), amended LR 30:

§1239. Assignment of Support Rights and Cooperation with Support Enforcement Services

A. - B.2.d. ...

3. Failure to cooperate in establishing paternity or obtaining child support will result in case closure. The appropriate STEP sanction shall be imposed on a work-eligible family. The case of a family that is not work-eligible shall be closed for at least one month and until the family cooperates.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2452 (December 1999), amended LR:30

§1241. Sanctions for Refusal to Accept a Job

A. Refusal to accept a job will result in the appropriate sanction being imposed on a work-eligible family.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2452 (December 1999), amended LR:30:

§1243. Work Requirements

A. Recipients must meet the work requirements outlined in LAC 67:III.Chapter 57.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.7., 46:231.8 and 46:231.9; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR 30:

§1245. Parenting Skills Education

A. Recipients must meet the requirements for parenting skills education as outlined in LAC 67:III.Chapter 57.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.5; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR:30

§1247. Time Limits

A. The Office of Family Support shall deny FITAP cash benefits to families if the parent has received FITAP for at least 24 months, whether consecutive or not, during the prior 60-month period. Only months of FITAP receipt after the January 1, 1997 date of implementation count toward the 24-month limit.

B. The following situations represent exemptions from the 24-month time limit:

1. the household contains a permanently incapacitated or disabled individual; or

2. months after June 1999 in which a recipient receives the earned income disregard shall not count toward the 24-month time limit.

C. An extension of the 24-month time limit may be granted in the following situations:

1. an individual has been actively seeking employment by engaging in appropriate job-seeking activities and required work activities as specified in the participant's Family Success Agreement (FSA) but is unable to find employment;

2. factors relating to job availability are unfavorable;

3. an individual loses his job as a result of factors not related to his job performance;

4. an extension of benefits of up to one year will enable an individual to complete employment-related education or training, including workplace literacy, and is required as part of an FSA, where an individual has received an assessment that indicates such activities will likely result in long-term success in the workforce;

5. other hardships have occurred which affect the individual's ability to obtain employment.

D. Eligibility for cash assistance under a program funded by Part IV of the Social Security Act is limited to a lifetime limit of 60 months. No cash assistance will be provided to a family that includes an adult who has received assistance for 60 months (whether or not consecutive) unless one of the following hardships exists (in households with two caretaker relatives, both caretaker relatives must meet at least one of these criteria).

1. An individual has been actively seeking employment by engaging in appropriate job-seeking activities and required work activities as specified in the participant's Family Success Agreement (FSA) but is unable to find employment.

2. Factors relating to job availability are unfavorable.

3. An individual loses his job as a result of factors not related to his job performance.

4. An extension of benefits of up to one year will enable an individual to complete employment-related education or training, including workplace literacy, and is

required as part of an FSA, where an individual has received an assessment that indicates such activities will likely result in long-term success in the workforce.

5. Other hardships have occurred which affect the individual's ability to obtain employment.

E. Any month for which such assistance was provided will be disregarded from the 24- and 60-month time limits with respect to the individual, if the individual was:

1. a minor child; and
2. not the head of a household or married to the head of a household.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.6. and R.S. 46:460.5(A)(3); Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR 26:349 (February 2000), LR 27:2263 (December 2001), amended LR 30:

§1249. Drug Screening, Testing, Education and Rehabilitation Program

A. - D. ...

E. Failure to Cooperate. Failure or refusal of a recipient to participate in drug screening, testing, or participation in the education and rehabilitation program, without good cause, will result in case closure.

1. The appropriate STEP sanction shall be imposed on a work-eligible family.

2. The case of a family that is not work-eligible shall remain closed for at least one month and until the client has complied.

F. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR:30

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter I. Income and Deductions

§1983. Income Deductions and Resource Limits

A.1. - 2. ...

3. The maximum dependent care deduction is \$200 per month for each child under two years of age and \$175 for each other dependent.

a. A child care expense that is paid for or reimbursed by the STEP Program or the Child Care Assistance Program is not deductible except for that portion of the cost which exceeds the payment or reimbursement.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.9 (d)(2) and (d)(6), P.L. 104-193, P.L. 106-387 and

P.L. 107-171; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:285 (May 1986), amended LR 12:423 (July 1986), LR 12:824 (December 1986), LR 13:181 (March 1987), LR 14:684 (October 1988), LR 15:14 (January 1989), amended by the Department of Social Services, Office of Family Support, LR 19:303 (March 1993), LR 19:905 (July 1993), LR 20:780 (July 1994), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 29:607 (April 2003), LR 30:

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

1. Households in which a member is a recipient of benefits from the FITAP, STEP, and/or Kinship Care Subsidy Programs, and households in which all members are recipients of SSI, shall be considered categorically eligible for food stamps.

A.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274; F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi); Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended LR 12:755 (November 1986), amended by the Department of Social Services, Office of Family Support, LR 18:142 (February 1992), LR 18:686 (July 1992), LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:

Subpart 12. Child Care Assistance Program

Chapter 51. Child Care Assistance

§5103. Conditions of Eligibility

A. Family Independence Temporary Assistance Program (FITAP) recipients who are satisfactorily participating in the Strategies to Empower People (STEP) Program, as determined by the case worker, are categorically eligible. The program will pay 100 percent of the FITAP/STEP participant's child care costs, up to the maximum amounts listed in 5109.B. The following eligibility criteria must be met:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444(December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 30:

§5105. Funding Availability

A. Louisiana's share of the national total of available funds for child care programs is based on factors determined by federal law and regulation. Funds are appropriated by Congress and allocated on an annual basis so that a limited amount of federal funding is available each year through the Child Care and Development Fund (CCDF). Therefore, a determination will be made of the number of children, or "slots," that the CCDF can pay for based on available funding.

1. The children of STEP participants shall be categorically eligible for child care benefits. The children of STEP participants whose FITAP eligibility is terminated due to earned income will be given priority status with slots available for them as long as other eligibility factors are met and funding is available.

A.2. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and P.L. 104-193; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 26:2827 (December 2000), LR 30:

§5107. Child Care Providers

A. The head of household, or parent/caretaker relative in the case of a STEP participant, shall be free to select a child

care provider of his/her choice including center-based child care (licensed Class A Day Care Centers and licensed Class A Head Start Centers which provide before-and-after school care and/or summer programs), registered Family Child Day Care Homes, in-home child care, and public and non-public BESE-regulated schools which operate kindergarten, pre-kindergarten, and/or before-and after school care programs.

B. - C. ...

D. Under no circumstance can the following be considered an eligible child care provider:

1. ...

2. the child's parent or guardian; or parent/caretaker relative in the case of a STEP participant, regardless of whether that individual lives with the child (if the child's non-custodial parent is residing in the Family Child Day Care Home (FCDCH) in which the child receives care and is not working during the hours that care is needed, the FCDCH provider is ineligible to receive Child Care Assistance payments for that child);

D.3. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 152, 2002 First Extraordinary Session, Act 13, 2002 Reg. Session and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444(December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:43 (January 2003), LR 29:189 (February 2003), LR 30:

§5111. Ineligible Payments

A. - B.2. ...

C. If an Intentional Program Violation is established, Fraud and Recovery will send a notice to the person to be disqualified and a copy of the notice to the parish office. The parish office will take action to disqualify for the appropriate situations:

1. - 2. ...

3. 24 months for the third violation and for any additional violations. EXCEPTION: The disqualification process will be waived for STEP participants and for participants in federally-or state-funded work or training programs.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:2830 (December 2000), amended LR 30:

Subpart 13. Kinship Care Subsidy Program (KCSP) Chapter 53. Application, Eligibility, and Furnishing Assistance.

Subchapter B. Conditions of Eligibility

§5321. Age Limit

A. A dependent child must be:

1. under 18 years of age; or

2. 18 years of age, enrolled in a secondary school or its equivalent and expected to graduate on or before his nineteenth birthday.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B and R.S. 46:237; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), amended LR 30:

§5335. School Attendance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B and R.S. 46:237; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:354 (February 2000), repealed LR 30:

§5339. Parenting Skills Education

A. As a condition of eligibility for KCSP benefits any child under age 19 who is pregnant or the parent of a child under the age of one must attend a parenting skills education program. Failure to meet this requirement without good cause shall result in that minor's ineligibility. Ineligibility will continue until the child has complied.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:355 (February 2000), amended LR 30:

§5341. Drug Screening, Testing, Education and Rehabilitation Program

A. - C. ...

D. Failure to Cooperate. Failure or refusal of a recipient to participate in drug screening, testing, or participation in the education and rehabilitation program, without good cause, will result in ineligibility of the noncompliant individual. Cooperation is defined as participating in the component in which the recipient previously failed to cooperate. This includes drug screening, drug testing, or satisfactory participation for two weeks in an education and rehabilitation program.

E. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237; Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:355 (February 2000), amended LR 30:

Subpart 16. Strategies to Empower People (STEP) Program

Chapter 57. Strategies to Empower People (STEP) Program

Subchapter A. Designation and Authority of State Agency

§5701. General Authority

A. The Strategies to Empower People Program is established in accordance with state and federal laws effective October 1, 2003, to assist recipients of cash assistance to become self-sufficient by providing needed employment-related activities and support services.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5703. Program Administration

A. The STEP program will be administered by OFS State Office, Regional and Parish staff.

B. The Department of Social Services will coordinate with the Louisiana Workforce Commission, who will identify, direct, and coordinate the provision of employment services offered through the STEP program. These services will include but are not limited to:

1. job readiness, job preparation, and job search;
2. workplace literacy and related assessments; and
3. applicable skill-based training, employer-based training, and other employment activities designed to meet the needs of Louisiana employers with a preference towards demand occupations.

C. The Louisiana Workforce Commission shall coordinate the provision of services utilizing the Department of Labor, one-stop services centers, the Louisiana Community and Technical College system, and the Department of Education adult literacy and community-based organizations.

D. A grievance procedure is available for resolving displacement complaints by regular employees or their representatives relating to STEP participants. A grievance procedure is also available for resolving complaints by, or on behalf of, STEP participants in a work-related activity. This grievance procedure hears complaints relating to on-the-job working conditions and workers' compensation coverage.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5705. Definitions

Family Assessment? consists of an initial employability assessment and a comprehensive assessment.

1. Initial employability assessment is designed to determine the applicant's level of employability, immediate needs, and family circumstances during the application process.

2. Comprehensive assessment is conducted once the applicant is certified for eligibility and shall include workplace literacy, basic skills and educational attainment, interests and aptitude related to employment, barriers to employment, need for education, supportive services such as child care and transportation, and other supportive services. Specialized assessments can occur for issues that arise after an initial assessment has been completed and could include substance abuse, domestic violence, mental health screening, or others as determined by the department.

Family Success Agreement (FSA)? the mutually developed contract between a Family Independence Temporary Assistance Program (FITAP) recipient, on behalf of their family, and the agency that sets forth mutual and time-bound responsibilities, expectations, activities, and goals designed to transition the family from receipt of FITAP to self-sufficiency.

Family Transition Assessment (FTA)? mutually developed plan between a FITAP recipient, on behalf of their family, and the agency, for those families nearing the end of their FITAP eligibility to identify the action plan necessary to enable a successful transition from receipt of FITAP to self-sufficiency.

Strategies to Empower People (STEP)? the program that provides education, employment, training and related services for families receiving FITAP assistance.

Temporary Exception? a limited time period in which the work-eligible recipient does not have to participate in an assigned work activity due to temporary incapacity or illness, unavailable child care, or a domestic violence situation.

Work-eligible Family? a FITAP family (including cases which do not receive cash because their benefit would be less than \$10) which includes at least one adult under age 60 or a teen head of household who is not permanently disabled or incapacitated, or who is not caring for a family member who is permanently disabled or incapacitated as documented by a medical professional.

Work-eligible Recipient? an adult under age 60 or a teen head of household who is included in a work-eligible family and who is not permanently disabled or incapacitated, or who is not caring for a family member who is permanently disabled or incapacitated, as documented by a medical professional.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5707. Domestic Violence

A. The secretary shall waive, for as long as necessary, pursuant to a determination of good cause, any public assistance program requirement that will create obstacles for a victim of domestic violence to escape a domestic violence situation, including but not limited to time limits on receipt of assistance, work, training or educational requirements, limitations on TANF requirements, residency requirements, and any other program requirements which will create obstacles for such victim to escape violence or penalize that victim for past, present, and potential for abuse. However, a victim of domestic violence shall develop a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of a domestic violence situation. Such plan shall be made a component of the participant's Family Success Agreement.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

Subchapter B. Participation Requirements

§5709. School Attendance

A. Work-eligible FITAP recipients, in order to ensure appropriate child development, educational attainment, and school attendance for each minor child included in the assistance unit, shall agree in the Family Success Agreement (FSA) to:

1. actively participate in their child's education through parent-teacher conferences, homework assistance, or other activities; and

2. provide documentation to the department that they are ensuring school attendance and are engaged in the child's learning.

B. Work-eligible, minor parents who have not yet received a high school diploma or its equivalent shall attend school or related education classes designed to obtain a high school diploma or its equivalent. School attendance shall be the primary work activity for those minor parents who do not have a high school diploma or its equivalent.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5711. Parenting Skills Education

A. Work-eligible recipients and minors who are pregnant or have a child under age one shall participate in parenting skills education as a primary work activity under the FSA. Applicable child care and transportation shall be provided to participants to enable their participation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5713. Work Activities

A. Work-eligible recipients shall participate in appropriate work activities as agreed upon in the FSA. These activities may include but are not limited to:

1. subsidized or unsubsidized employment;
2. unpaid work experience;
3. on-the-job training;
4. job search;
5. job readiness;
6. vocational education;
7. attendance in secondary school for those individuals who have not graduated from high school;
8. participation in GED or basic skills training;
9. employment-related education;
10. job skills training;
11. community service; and
12. the provision of child care to an individual who is participating in community service.

B. Participants who are found not to possess basic workplace or basic literacy skills, as determined by an assessment, shall combine employment and job readiness and job search activities with activities designed to increase their basic and workplace literacy skills.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5715. Temporary Exceptions

A. A work-eligible applicant or recipient of cash assistance shall immediately participate in work activities for the minimum number of hours per week required by federal law unless one of the following exceptions applies. These temporary exceptions shall not exceed six months in a twelve-month period. The exceptions include:

1. temporary incapacity, illness or disability of household head as documented by a medical professional. The documentation shall include a description and reason for the incapacity, illness, or temporary disability, an indication of how long the condition is expected to persist, and a reasonable expectation of when the participant can return to a work activity. Incapacity, illness, or disability determined for a period of longer than six months shall be referred for eligibility to Supplemental Security Income assistance and to the Louisiana Rehabilitation Services;
2. inability to obtain appropriate child care; or
3. status as a victim of domestic violence based on evidence presented to the department which may include, but not limited to, information from law enforcement agencies or domestic violence providers. This exception shall only be granted if a participant develops a plan to address the domestic violence situation and incorporates this plan in the FSA.

B. During a period in which a participant receives a temporary exception to the work requirement, a revised FSA shall be developed to enable satisfactory progress toward meeting employment and educational activity requirements.

C. Participants who receive a temporary exception shall be informed that this time is counted against their time limits for receipt of cash assistance.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5717. Sanctions

A. Sanctions shall be used as a last resort to inform participants that they have not met the expectations set forth in the FSA. Participants shall be sanctioned for the following violations:

1. failure of the participant to provide documentation to the department that they are ensuring school attendance and are engaged with their child's learning;
2. failure of a work-eligible, minor parent with a child who has not yet received a high school diploma or its equivalent, to attend school or related education classes designed to obtain a high school diploma or its equivalent;
3. failure of a public assistance recipient who is pregnant or has a child under age one to attend parenting education and other training conducive to the unique needs of new parents;
4. failure of work-eligible families to meet the required employment and education activities for the minimum number of hours without good cause, as specified in the FSA; or
5. failure of work-eligible families to meet other requirements such as but not limited to immunization, cooperation with Support Enforcement Services, compliance with substance abuse screening, testing, treatment, etc. as specified in the FSA.

B. If it is determined that a work-eligible family has failed to meet the required activities as specified in the FSA without good cause, that family shall be ineligible for FITAP benefits as follows:

1. first sanction? a minimum of one month or until compliance, whichever is longer;
2. second sanction? a minimum of two months or until compliance, whichever is longer;
3. third or subsequent sanction? a minimum of three months or until compliance, whichever is longer.

C. The following represent good cause for not complying with the requirements set forth in the FSA.

1. Appropriate child care or transportation is unavailable within a reasonable distance from the participant's home or worksite after efforts have been made, and assistance has been offered, to secure child care or transportation.
2. Situations related to domestic violence. Any participant that receives a good cause exception related to domestic violence shall complete a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of the violence and incorporate this plan into their FSA.
3. Situations related to the treatment of a mental or physical illness, including substance abuse treatment, where there is verification that participation in required activities

would impair a treatment plan of a mental health or medical professional. Any participant that receives a good cause exception related to mental or physical illness shall incorporate the completion of the identified treatment plan in the FSA.

4. Temporary, short-term illness, or the temporary care of a family member who is ill, as documented by a medical professional.

5. Temporary emergency crisis, such as homelessness, fire, accident, dislocation due to natural causes, hurricane, flood, or similar circumstances that can be substantiated.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

Subchapter C. STEP Program Process

§5719. Family Assessment

A. A Family Assessment shall be completed on all FITAP/STEP applicants in order to assist the worker in identifying family strengths, weaknesses, opportunities and barriers as well as determining programs that the applicants will need to become self-sufficient.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5721. Job Readiness

A. A work-eligible applicant for cash assistance shall participate in job readiness activities as part of the core services available under STEP. The applicant shall receive an initial employability assessment designed to determine their level of employability, immediate needs, and family circumstances.

B. Job developers, through performance-based contracts, will provide job readiness services that shall include, but are not limited to:

1. workplace literacy assessment;
2. résumé development;
3. interview skills;
4. job search;
5. workplace standards and soft-skills development;
6. work ethics;
7. interest inventories related to job market and skills;
8. assistance with identification of available jobs and employers;
9. life skills development;
10. budget and financial management; and
11. client follow-up.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5723. Comprehensive Assessment

A. Once the applicant is certified for eligibility, a comprehensive assessment shall be conducted and include workplace literacy, basic skills and educational attainment, interests and aptitude related to employment, barriers to employment, need for education, supportive services such as child care and transportation, and other supportive services.

B. Specialized assessments can occur for issues that arise after an initial assessment has been completed and could include substance abuse, domestic violence, mental health screening, or others as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5725. Family Success Agreement (FSA)

A. Upon determination of eligibility and after completion of the comprehensive assessment, work-eligible participants shall enter into a contractual agreement, known as the Family Success Agreement (FSA), with the department. The FSA will specify:

1. the client's time-bound goals, responsibilities, and work activity participation; and
2. the department's obligation to provide necessary supportive services, assessments, notifications, information, and case management.

B. The FSA shall be updated at least every six months or as the client's needs, goals, barriers, and family circumstances change.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5727. Family Transition Assessment

A. The department shall complete a Family Transition Assessment (FTA) to assist participants with their transition from cash assistance. The plan will be completed with participants who:

1. have received three of the six months of earned income disregard; or
2. have received 18 months of FITAP assistance when subject to the 24-month time limit; or
3. have received 54 months of FITAP assistance when subject to the 60-month time limit; or
4. when it is determined that the family is leaving FITAP, whichever occurs first.

B. The FTA shall include but is not limited to:

1. a plan for on-going success in the work force;
2. identification of short and long-term goals;
3. identification of potential barriers and an action plan to overcome these barriers; and
4. information regarding eligibility for supportive services including, but not limited to: Medicaid benefits, Food Stamp benefits, Child Care, transportation, Louisiana Child Health Insurance Program, the earned income tax credit, and TANF-funded services.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5729. Support Services

A. Clients may be provided support services that include but are not limited to:

1. a full range of case maintenance and case management services designed to lead to self-sufficiency;
2. transportation assistance;
3. Food Stamp benefits;
4. Medicaid benefits;
5. Child Care;
6. TANF-funded services;
7. other services necessary to accept or maintain employment; and
8. transitional benefits (post-FITAP support services):

a. these services may be provided to participants who are or become ineligible for cash assistance due to earned income. They include a transportation payment of \$120 per month and other supportive service payments not to exceed a combined total of \$200 per state fiscal year and used to cover certain costs deemed necessary for employment. The payments may begin with the first month of FITAP ineligibility and continue through the twelfth month of ineligibility or through the last month of employment, whichever comes first. The 12 months need not be consecutive.

B. Support services may be provided to:

1. persons participating in the Family Assessment;
2. persons referred by the Agency to other activities, such as drug counseling, prior to their participation in a work activity;
3. FITAP recipients participating in approved activities necessary to meet exemptions to the FITAP time limits;
4. FITAP recipients to facilitate their attendance in the FITAP Drug Testing Program or Parenting Skills Program;
5. allow participation in educational activities for FITAP recipients who are exempt from STEP.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

Family Impact Statement

1. What effect will this rule have on the stability of the family? Implementation of this rule will have a positive impact on the stability of a needy family by informing clients of all available programs and supportive services and assisting them in obtaining the help necessary to move from cash assistance to full self-sufficiency.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? Family earnings could increase as the result of a recipient successfully completing all required activities and becoming self-reliant.

5. What effect will this have on the behavior and personal responsibility of children? There will be no effect on the behavior and personal responsibility of the 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.

All interested persons may submit written comments through January 28, 2004, to Mary M. Joseph, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065.

A public hearing on the proposed Rule will be held on January 28, 2004, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or

arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Strategies to Empower People (STEP)
Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The costs associated with implementation of this bill will be borne by the current FIND Work budget. DSS/OFS is authorized to spend approximately \$20 million on the approximately 8,335 clients (average monthly participation of all families for FY 2003) participating in the FIND Work Program. The proposed rule will require the Department transfer Louisiana's TANF Block Grant and state Maintenance of Effort funds to other state agencies by an interagency transfer. Administrative costs are built into the contracts, which stipulate that contractors must meet certain performance goals or they will not receive administrative funding. Amendments to Chapters 12, 19, 51, and 53 will not result in any costs or savings to the agency as language referencing the FIND Work Program is being replaced with language referencing the STEP Program.

The only immediate cost to the agency will be the cost of publishing rulemaking which is estimated to be \$1440; printing policy, forms instructions, and forms at a cost of \$4300; printing training manuals at a cost of \$2620; and printing an informational brochure at a cost of \$939 for a total cost of \$8,753. There are no other costs or savings associated with this rule. Printing and publishing costs are routinely included in the agency's annual budget.

There are no costs or savings to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule results in no costs or immediate economic benefits to any persons or non-governmental groups.

The rule will have no immediate effect on income and/or receipts of any person or non-governmental group. However, by revising the sanction policy and providing services to eligible clients that will assist them in becoming work ready, the long-term goal of the STEP Program, that is, to move clients from cash assistance to self-reliance, will be realized and the family's income should be positively impacted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed actions will have no impact on competition and employment.

Mary M. Joseph
Assistant Secretary
0312#109

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

TANF Initiatives? Teen Pregnancy Prevention Program
(LAC 67.III.5401-5407, 5505-5509,
5525, 5529, 5539, 5575, and 5577)

In accordance with R.S.49: 950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, will amend LAC 67:III, Subpart 15, Chapter 55, §§5505, 5507, 5509, 5525, and 5539, repeal §5529 and Subpart 14, Chapter 54, the Teen Pregnancy Prevention Program, and adopt §§5575 and 5577, pursuant to Act 14 of the 2003 Legislative Session.

The agency has provided funding through Memoranda of Understanding and contracts, to several state agencies and other entities for implementation and administration of the TANF Initiative programs which provide services to families with minor children in order to meet one of the four TANF goals. The agency is proposing the following changes in order to clarify the services, eligibility requirements, and goals of some programs so that language in the Memoranda of Understanding and contracts will coincide with language in the Louisiana Administrative Code. Section 5505 is being amended to revise the TANF goals being met by the services provided and to clarify the eligibility requirements; Section 5507 is being amended to include additional services that will be provided by the Workforce Commission and the Louisiana Community and Technical College System; Sections 5509 and 5539 are being amended to remove references to the Office of Women's Services and the Supreme Court of Louisiana respectively. By using non-specific language regarding the TANF partners, future amendments to the Louisiana Administrative Code will be avoided. Section 5525 is being amended to specify targeted populations that will be eligible for services.

The agency is repealing Section 5529, Youth in Transition, as funds are no longer being allocated for this program. Additionally, the agency is repealing Subpart 14, Chapter 54, Teen Pregnancy Prevention Program. The program will now be administered by the Department of Education through a Memorandum of Understanding with the agency. Program information will be incorporated into Chapter 55, TANF Initiatives and adopted as Section 5575, Teen Pregnancy Prevention Program. Section 5577, Skills Training for Incarcerated Fathers, is being adopted as a new TANF Initiative.

These changes were effected October 21, 2003, by a Declaration of Emergency that was published in the November issue of the *Louisiana Register*.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 14. Teen Pregnancy Prevention

Chapter 54. Teen Pregnancy Prevention Program

§5401. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1018 (July 2001), repealed LR 30:

§5403. Strategy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S.36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1019 (July 2001), amended LR 28:1996 (September 2002), repealed LR 30:

§5405. Goals and Objectives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1019 (July 2001), amended LR 28:1996 (September 2002), repealed LR 30:

§5407. Program Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1019 (July 2001), amended LR 28:1599 (July 2002), repealed LR 30:

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5505. Nonpublic School Early Childhood Development Program

A. ...

B. These services meet the TANF goal to reduce the incidence of out-of-wedlock births by placing children in learning environments at the pre-school level to foster an interest in learning, increase literacy levels, and increase the likelihood of developing responsible behavior.

C. Eligibility for services is limited to families in which the child is one year younger than the eligible age for public school kindergarten and who have earned income at or below 200 percent of poverty level.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:350 (February 2002), amended LR 29:715 (May 2003), LR 30:

§5507. Adult Education, Basic Skills Training, Job Skills Training, and Retention Services Program

A. The Office of Family Support shall enter into Memoranda of Understanding or contracts to create programs to provide adult education and literacy, basic skills training, jobs skills training, court-ordered training and job retention services to low-income families. Employed participants will be provided child care and transportation services. Unemployed participants will be provided short-term child care and transportation services.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:870 (April 2002), amended LR 30:

§5509. Domestic Violence Services

A. The Office of Family Support shall enter into Memoranda of Understanding or contracts to provide for services pertaining to domestic violence including rural outreach, services to children in shelters, and training of law enforcement and DSS personnel.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:351 (February 2002), amended LR 30:

§5525. Pre-GED/Skills Option Program

A. - B. ...

C. Eligibility for services is not limited to needy families; however certain populations are targeted for services provided by the Options Program and the JAG LA Program. They include:

1. Eligible participants in the Options Program shall be students 16 years of age or older and meet one or more of the following:
 - a. failed the eighth grade LEAP 21 English language arts or math test for one or more years;
 - b. failed English language arts, math, science, or social studies portion of the Graduation Exit Exam;
 - c. participated in alternate assessment; or
 - d. earned not more than 5 Carnegie units by age 17, not more than 10 Carnegie units by age 18, and not more than 15 Carnegie units by age 19.
2. Eligible participants in the JAG LA Program shall be 16-21 years of age (or at least 15 years of age in the middle school pilot program) and must face at least two designated barriers to success that include economic, academic, personal, environmental, or work related.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:352 (February 2002), amended LR 30:

§5529. Youth in Transition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session of the Louisiana Legislature; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:352 (February 2002), repealed LR 30:

§5539. Truancy Assessment and Service Centers

A. OFS shall enter into Memoranda of Understanding or contracts for Truancy Assessment and Service Centers designed to identify, assess, and intervene to ensure that children in kindergarten through sixth grade attend school regularly.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:353 (February 2002), amended LR 30:

§5575. Teen Pregnancy Prevention Program

A. The Department of Social Services, Office of Family Support, shall enter into Memoranda of Understanding or contracts effective July 1, 2003, to prevent or reduce out-of-wedlock and teen pregnancies by enrolling youth ages 8 through 20 in supervised, safe environments, with adults leading activities according to a research-based model aimed at reducing teen pregnancy.

B. Services offered by providers meet the TANF goals to prevent and reduce the incidence of out-of-wedlock births by providing research-based prevention and intervention programming for students who live in poor communities and/or show evidence of academic underperformance, dropping out, or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, or imprisonment.

C. Eligibility for services is not limited to needy families. Custodial and non-custodial parents, legal guardians, or caretaker relatives of youth who are participants in the program may also receive parenting training and educational services.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:

§5577. Skills Training For Incarcerated Fathers

A. The Office of Family Support shall enter into Memoranda of Understanding or contracts effective September 1, 2003, to provide educational rehabilitation services to incarcerated male inmates to assist them in becoming self-sustaining individuals upon release.

B. These services meet the TANF goal to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is limited to male inmates housed in a local or state Louisiana correctional facility, who have served a majority of their sentence and are nearing release and who are the parents of minor children.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 14, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30

Family Impact Statement

1. What effect will this rule have on the stability of the family? Implementation of this rule should have no impact on family stability.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule should have no impact on family functioning.

4. What effect will this have on family earnings and family budget? The rule will have no immediate effect on family earnings and budget.

5. What effect will this have on the behavior and personal responsibility of children? The rule will have no effect on the behavior and 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.

All interested persons may submit written comments through January 28, 2004, to Mary M. Joseph, Assistant Secretary, Office of Family Support, and P.O. Box 94065, Baton Rouge, LA 70804-9065.

A public hearing on the proposed rule will be held on January 28, 2004, at the Department of Social Services, A. Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

The proposed rule will result in revenue collections totaling \$8,500,000. \$6,500,000 will be transferred to the Department of Education for implementation of the TPPP and \$2,000,000 will be transferred to the Department of Corrections and the Louisiana Community and Technical College System for the implementation of the Skills Training for Incarcerated Fathers Program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no immediate cost or economic benefit to any persons or non-governmental groups. However, the TANF Initiative programs have a long-term goal of improving the economic situations of the targeted families.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Mary M. Joseph
Assistant Secretary
0312#108

H. Gordon Monk
Staff Director
Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: TANF Initiatives
Teen Pregnancy Prevention Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will result in an \$8,500,000 increase in the expenditures for fiscal year 03/04. \$6,500,000 in TANF Funds has been allocated for the implementation and administration of the Teen Pregnancy and Prevention Program and \$2,000,000 has been allocated for the implementation and administration of the Skills for Incarcerated Fathers Program.

There are no associated costs to state or local governmental units for repealing the TANF initiatives at §5529 and Subpart 14, Chapter 54, and amending §§5505, 5507, 5509, 5525, and 5539.

The minimal cost of publishing rulemaking is approximately \$602.00.

The total estimated implementation cost is approximately \$8,500,602.

There are no savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways/Engineering**

Design Standards (LAC 70:I.Chapter 9)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to adopt Chapter 9 of Title 70 entitled "Design Standards for Freeways, Arterial, Collector and Local Highways Under the Jurisdiction of Political Subdivisions and Not in the State-Maintained System," in accordance with R.S. 48:35(C).

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 9. Design Standards for Freeways, Arterial, Collector and Local Highways Under the Jurisdiction of Political Subdivisions and Not in the State-Maintained System

§901. Design Standards for Rural Arterial Roads

Item No.	Item	Rural		
		RA-1	RA-2	RA-3
1	Design Speed (mph)	50 1	60 2	70
2	Number of Lanes (minimum) 3	2	2	4
3	Width of Travel Lanes (ft)	11 – 12 4	12	12
4	Width of Shoulders (minimum) (ft)			
	(a) Two Lane	8 5	8 5	N/A
	(b) Divided facilities			
	(1) Inside	4 (Paved)	4 (Paved)	4 6 (Paved)
	(2) Outside	8 5	8 5	8 – 10 7
5	Outside Shoulder Type	Aggregate (2' min paved)	Aggregate (2' min paved)	Paved
6	Parking Lane Width (ft)	N/A	N/A	N/A
7	Width of Median on Divided Facilities (ft)			
	(a) Depressed	42 – 60	42 – 60	60
	(b) Raised	N/A	N/A	N/A

	(c) Two way left turn lane	N/A	N/A	N/A
8	Fore slope (vertical – horizontal)	1:6	1:6	1:6
9	Back slope (vertical – horizontal)	1:4	1:4	1:4
10	Pavement Cross-slope (%) 8	2.5	2.5	2.5
11	Stopping Sight Distance (ft)	425	570	730
12	Maximum Superelevation (%) 9	10	10	10
13	Minimum Radius (ft) 10 (with full superelevation)	700	1,100	1,700
14	Maximum Grade (%) 11	4	3	3
15	Minimum Vertical Clearance (ft) 12	16	16	16
16	Minimum Horizontal Clearance (ft) (from edge of travel lane)	20	30 13	34
17	Bridge Design Live Load 14	AASHTO	AASHTO	AASHTO
18	Width of Bridges (min) (face to face of bridge rail at gutter line) (ft)	Roadway width	Roadway width	Roadway width

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§903. Footnotes for Rural Arterial Design Standards

A. The design speed may not be less than the current posted speed of the overall route.

B. Consider using RA-3 criteria for roadways that will be widened in the future.

C. Consider increasing to a 4-lane facility if design volume is greater than 6000 vehicles per day and six lanes if design volume is greater than 25,000 vehicles per day. If more than two lanes are to be provided, outside shoulders should be paved.

D. Twelve feet required when design ADT is 1500 or greater.

E. Six foot shoulders are allowed if design volume is between 400 to 2000 vehicles per day. Four foot shoulders are allowed if design volume is less than 400 vehicles per day.

F. Eight to ten feet on six lane facilities.

G. Consider using ten foot outside shoulders where trucks are greater than ten percent or if large agricultural vehicles use the roadway.

H. Two percent acceptable on rehabilitation projects.

I. In Districts 04 and 05, where ice is more frequent, superelevation should not exceed eight percent from the emax = 10 percent table.

J. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum twelve feet) to provide adequate stopping sight distance on the structure.

K. Grades 1 percent higher are permissible in rolling terrain.

L. An additional six inches should be added for additional future surfacing.

M. On multilane facilities, use 32 feet.

N. For LFD and ASD designs an HST, 18 vehicle should be included as one of the live load vehicles.

O. General Note: Overlay design standards shall be applicable to those projects for which the primary purpose is to improve the riding surface.

AUTHORITY NOTE: Promulgated in accordance with R. S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§905. Design Standards for Freeways

Item No.	Item	Urban		Rural
		F-1	F-2	F-3 1
1	Design Speed (mph)	50	60	70
2	Level of Service	C 3	C 3	B 2
3	Number of Lanes (minimum)	4	4	4
4	Width of Travel Lanes (ft)	12	12	12
5	Width of Shoulders (ft)			
	(a) Inside 4	6	6	6
	(b) Outside 5	10	10	10
6	Shoulder Type	Paved	Paved	Paved
7	Width of Median (minimum) (ft)			
	(a) Depressed	50	68 (min) – 100 (des)	72 (min) – 100 (des)
	(b) Continuous barrier (4 lane) 6	15	15	15
	Continuous barrier (6 lane) 6	27	27	27
8	Fore Slope (vertical – horizontal)	1:4 to 1:6	1:6	1:6
9	Back Slope (vertical – horizontal)	1:4	1:4	1:4
10	Pavement Cross Slope (%) 7	2.5	2.5	2.5
11	Stopping Sight Distance (ft)	425	570	730
12	Maximum Superelevation (%) 8	10	10	10
13	Minimum Radius (ft) 9 (with 10% superelevation)	700	1,100	1,700

14	Maximum Grade (%) 10	4	3	3
15	Minimum Vertical Clearance (ft) 11	16	16	16
16	Width of Right-of-Way (ft)			
	(a) Depressed median	As Needed	As Needed	Varies 12
	(b) Median barrier	As Needed	As Needed	As Needed
	(c) Minimum from edge of bridge structure 13	15 – 20	15 – 20	15 – 20
17	Bridge Design Live Load 14	AASHTO	AASHTO	AASHTO
18	Minimum Width of Bridges (face to face of bridge rail at gutter line) (ft)	Roadway Width	Roadway Width	Roadway Width
19	Horizontal Clearance (from edge of travel lane) (ft)			
	(a) 1:4 Fore slope	30	N/A	N/A
	(b) 1:6 Fore slope	22	32	34

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§907. Footnotes for Freeway Design Standards

- A. These standards may be used in urban areas.
- B. Level of Service C can be used in urban areas.
- C. Level of Service D can be used in heavily developed urban areas.
- D. Four feet to be paved, 10 feet to be paved on 6 lane facilities, 12 feet to be paved on 6 lane facilities with truck DDHV greater than 250.
- E. Twelve feet paved when truck DDHV is greater than 250.
- F. For larger medians two barriers may be required. The maximum offset of 15 feet from barrier to edge of travel lane shall not be exceeded.
- G. Two percent permissible for rehabilitation projects.
- H. In Districts 04 and 05, where ice is more frequent, superelevation should not exceed 8 percent from the emax = 10 percent table.

I. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum of 12 feet) to provide adequate stopping sight distance on structure.

J. Grades 1 percent higher may be used in urban areas.

K. An additional 6 inches should be added for additional future surfacing. 17 feet is required for trusses and pedestrian overpasses.

L. As needed for urban projects: 300 feet to 330 feet for rural projects depending on median width.

M. Twenty-five feet shall generally be provided in accordance with EDSM II.1.1.1.

N. For LFD and ASD designs a HST-18 vehicle should be included as one of the live load vehicles.

O. General Note: Overlay design standards (separate sheet) shall be applicable to those projects for which the primary purpose is to improve the riding surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§909. Design Standards for Local Roads and Streets

Item No.	Item	Rural			Urban	
		RL-1	RL-2	RL-3	UL-1	UL-2
1	Design Speed (mph) 1	30	40	50	20	30
2	Average Daily Traffic	0 – 250	250 – 400	Over 400	N/A	N/A
3	Typical Number of Lanes	2	2	2	2	2
4	Minimum Width of Travel Lanes (ft)	9	9	11 – 12 2	10 – 11 3	10 – 11 3
5	Minimum Width of Shoulders (ft) 4	2	2	5 – 8 5	When used 6	When used 6
6	Shoulder Type	Aggregate	Aggregate	Aggregate	Paved	Paved
7	Minimum Width of Parking Lanes (where used) (ft)	N/A	N/A	N/A	7 – Residential 8 – Industrial	7 – Residential 8 – Industrial
8	Minimum Width of Sidewalk (where used) (ft)					
	(a) Offset from curb	N/A	N/A	N/A	4	4
	(b) Adjacent to curb	N/A	N/A	N/A	6	6
9	Fore Slope (vertical – horizontal)	1:3 7	1:3 7	1:4	1:3	1:3
10	Back Slope (vertical – horizontal)	1:2	1:2	1:3	1:2	1:2
11	Pavement Cross Slope (%) 8	2.5	2.5	2.5	2.5	2.5
12	Stopping Sight Distance (ft)	200	305	425	115	200
13	Maximum Superelevation (%)	10 9	10 9	10 9	4	4
14	Minimum Radius (ft) 10, 11					
	(a) With normal crown (-2.5% cross slope)	7,585	11,625	16,700	100	325
	(b) With 2.5% superelevation	1,930	3,250	5,000	85	250
	(c) With full superelevation	250	450	700	80	235
15	Maximum Grade (%) 12	7	7	6	10	9
16	Minimum Vertical Clearance (ft)	15	15	15	15	15
17	Minimum Horizontal Clearance (ft)					

	(a) From edge of travel lane	10 7	10 7	Varies 13	7 – Shoulder facilities	10 – Shoulder facilities
	(b) From back of curb	N/A	N/A	N/A	1 (min) – 6 (des)	1 (min) – 6 (des)
18	Bridge Design Load Live 14	AASHTO	AASHTO	AASHTO	AASHTO	AASHTO
19	Minimum Width of Bridges (face to face of bridge rail at gutter line)	Traveled way plus 4'	Traveled way plus 4'	Traveled 15 way plus 6'	Traveled 16, 17 way plus 8'	Traveled 16,17 way plus 8'
20	Bridge End Treatment	Yes	Yes	Yes	16	16

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§911. Footnotes for Local Road and Street Design Standards

- A. The design speed may not be less than the current posted speed of the overall route.
- B. For ADT greater than 2000, use 12-foot lane widths.
- C. Lane widths in residential areas may be reduced to 9 feet if necessary. 12-foot lane widths are preferred in industrial areas.
- D. Where bicycles are prevalent, a paved 4-foot shoulder should be provided.
- E. For ADT less than 1500, the minimum shoulder width may be reduced to 4 feet if necessary. For ADT 1500 to 2000, use 6-foot shoulders. For ADT over 2000, use 8-foot shoulders.
- F. Select the shoulder width that corresponds to the ADT shown in the rural local standards.
- G. The value shown should be provided on new roadways. A lesser value may be used on existing roads depending on soil stability, right-of-way constraints, the safety record of the road, and the size vehicles using the road. Guidance is available in the publication entitled "AASHTO Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400)."
- H. Two percent acceptable for rehabilitation projects.
- I. In Districts 04 and 05, where ice is more frequent, superelevation should not exceed 8 percent from the emax = 10 percent table.
- J. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum of 12 feet) to provide adequate stopping sight distance on structure.
- K. On roadways with an ADT < 400, a sharper radius may be used on fully superelevated roadways if necessary. For specific values refer to the publication entitled

"AASHTO Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400)." Different radii apply at divisional islands.

- L. Grades 2 percent higher may be used in rural rolling terrain.
 - M. Varies from 14 feet to 28 feet. Refer to the Roadside Design Guide for the applicable value. For spot replacement projects refer to the applicable part of Footnote G.
 - N. For LFD and ASD designs a HST-18 vehicle should be included as one of the live load vehicles.
 - O. For ADT greater than 2000, use roadway width.
 - P. Refer to EDSM II.3.1.4 when sidewalks will be provided and for guardrail requirements.
 - Q. When shoulders are provided, the minimum bridge width shall be the larger of that shown or the roadway width.
 - R. These standards shall not apply to:
 - 1. dead end roads (open at one end only);
 - 2. roads that are dependent on dead end roads for access.
 - S. Urban standards may be applied to any street for which curb is to be used and the posted speed is less than 50 mph, or any street for which a posted speed of 30 mph or less would be appropriate.
 - T. On spot replacement projects the existing geometry and superelevation may remain providing there are no safety problems.
 - U. The appropriate local governing body is authorized to make design exceptions for specific items listed in these standards, with proper engineering justification.
 - V. General Note: Overlay design standards (separate sheet) shall be applicable to those projects for which the primary purpose is to improve the riding surface.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).
- HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§913. Design Standards for Rural Collector Roads

Item No.	Item	Rural		
		RC-1	RC-2	RC-3
1	Average Daily Traffic 1	Under 400	400 – 2000	Over 2000
2	Design Speed (mph)	40 – 60 2	50 – 60 2	60
3	Number of Lanes	2	2	2 – 4 3
4	Width of Travel Lanes (ft)	11	11 – 12 4	12
5	Width of Shoulders (ft)			
	(a) Inside on multilane facilities	N/A	N/A	4
	(b) Outside	2 5	4 – 5 6	8
6	Shoulder Type	Paved	Aggregate (2' min paved)	Aggregate (2' min paved) (4' min paved on 4-lane facilities)

7	Width of Parking Lanes (ft)	N/A	N/A	N/A
8	Width of Median on multilane facilities (ft)			
	(a) Depressed	N/A	N/A	42 – 60
	(b) Raised	N/A	N/A	N/A
9	(c) Two way left turn lane	N/A	N/A	N/A
	Width of Sidewalk (minimum) (ft)			
	(a) Offset from curb	N/A	N/A	N/A
	(b) Adjacent to curb	N/A	N/A	N/A
10	Fore Slope (vertical – horizontal)	1:4	1:4	1:6
11	Back Slope (vertical – horizontal)	1:4 7	1:4	1:4
12	Pavement Cross Slope (%) 8	2.5	2.5	2.5
13	Stopping Sight Distance (ft)	305 (40 mph)	425 (50 mph)	570
		425 (50 mph)	570 (60 mph)	
		570 (60 mph)		
14	Maximum Superelevation (%) 9	10	10	10
15	Minimum Radius (ft) 10 (with full superelevation)	450 11	700 12	1,100
16	Maximum Grade (%)	7 (40 mph)	6 (50 mph)	5
		6 (50 mph)	5 (60 mph)	
		5 (60 mph)		
17	Minimum Vertical Clearance (ft) 13	15	15	15
18	Minimum Horizontal Clearance (ft) (from edge of travel lane)	10, 14, 24 14	26 (50 mph) 32 (60 mph)	30
19	Bridge Design Live Load 15	AASHTO	AASHTO	AASHTO
20	Minimum Width of Bridges (face to face of bridge rail at gutter line) (ft)	30	Roadway width	Roadway width

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§915. Footnotes for Rural Collector Design Standards

A. Current traffic may be used to determine the appropriate classification.

B. The design speed may not be less than the current posted speed of the overall route.

C. For rolling terrain, limited passing sight distance and high percentage trucks, further analysis should be made to determine if additional lanes are required when ADT is above 7,000.

D. For design speeds greater than 50 mph and ADT greater than 1,500 use 12-foot lanes.

E. Where bicycle activity is observed, a 4-foot shoulder should be provided.

F. For ADT greater than 1,500 use 6 foot shoulders.

G. 1:3 back slopes are allowed where right-of-way restrictions dictate.

H. Two percent acceptable for rehabilitation projects.

I. In Districts 04 and 05, where ice is more frequent, superelevation should not exceed 8 percent from the emax = 10 percent table.

J. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum of 12 feet) to provide adequate stopping sight distance on structure.

K. Radius based on 40 mph. Radii for 50 mph and 60 mph are shown under the RC-2 and RC-3 classifications respectively.

L. Radius based on 50 mph. The radius for 60 mph is shown under the RC-3 classification.

M. Where the roadway dips to pass under a structure, a higher vertical clearance may be necessary. An additional 6 inches should be added for additional future surfacing.

N. The lower value is based on a 40 mph design speed, the middle value for 50 mph and the upper value for 60 mph.

O. For LFD and ASD designs a HST-18 vehicle should be included as one of the live load vehicles.

P. General Note: Overlay design standards (separate sheet) shall be applicable to those projects for which the primary purpose is to improve the riding surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§917. Design Standards for Urban and Suburban Arterial Roads and Streets

Item No.	Item	Urban			Suburban 1	
		UA-1	UA-2	UA-3	SA-1	SA-2
1	Design Speed (mph)	40	45	50	50	55
2	Level of Service	C 2	C 2	C 2	C	C
3	Number of Lanes	2 (min) – 4 (typ)	2 (min) – 4 (typ)	2 (min) – 4 (typ)	2 (min) – 4 (typ)	2 (min) – 4 (typ)
4	Width of Travel Lanes (ft)	11	11 – 12	12	12	12
5	Width of Shoulders (minimum) (ft) 3					
	(a) Inside on multilane facilities	N/A	N/A	4	4	4
	(b) Outside	8	8	8	8	8
6	Shoulder Type	Paved	Paved	Paved	Paved	Paved
7	Parking Lane Width (ft)	10 – 12	10 – 12	N/A	N/A	N/A
8	Width of Median on Multilane Facilities (ft)					
	(a) Depressed	N/A	N/A	30	30 – 42	42
	(b) Raised	6 – 30 4	6 – 30 4	30	30	30
	(c) Two way left turn lane	11 – 14 typ.	11 – 14 typ.	N/A	N/A	N/A
9	Width of Sidewalk (minimum) (where used) (ft) 5					
	(a) Offset from curb	4	4	4	4	4
	(b) Adjacent to curb	6	6	N/A	N/A	N/A
10	Fore slope (vertical – horizontal)	1:3 (min) – 1:4 (des)	1:3 (min) – 1:4 (des)	1:4	1:4 to 1:6	1:6
11	Back slope (vertical – horizontal)	1:3	1:3	1:3	1:3	1:4
12	Pavement Cross-slope (%) 6	2.5	2.5	2.5	2.5	2.5
13	Stopping Sight Distance (ft)	305	360	425	425	495
14	Maximum Superelevation (%)	4	4	4	4	6
15	Minimum Radius (ft) 7, 8					
	(a) With normal crown (-2.5% cross-slope)	700	1,000	16,700	16,700	19,700
	(b) With 2.5% superelevation	550	750	3,500	3,500	5,250
	(c) With full superelevation	500	700	1,000	1,000	1,100
16	Maximum Grade (%)	7	6	6	4 9	4
17	Minimum Vertical Clearance (ft) 10	16	16	16	16	16
18	Minimum Horizontal Clearance (ft)					
	(a) From edge of travel lane	18 11	25 11	28	20 – 28 12	24
	(b) Outside (from back of curb) (when curb is used)	6 (min) – 15 (des)	6 (min) – 15 (des)	19	10 (1:6) 18 (1:4)	14
	(c) Median (from back of curb) (when curb is used)	4 (min) – 15 (des)	4 (min) – 15 (des)	13	12	18
19	Bridge Design Live Load 13	AASHTO	AASHTO	AASHTO	AASHTO	AASHTO
20	Width of Bridges (minimum) (face to face of bridge rail at gutter line) 14					
	(a) Curbed facilities (without sidewalks)	Traveled 15 way plus 8'	Traveled 15 way plus 8'	Roadway width	Roadway width	Roadway width
	(b) Shoulder facilities	Roadway width	Roadway width	Roadway width	Roadway width	Roadway width
21	Guardrail Required at Bridge Ends	15	15	Yes	Yes	Yes

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§919. Footnotes for Urban and Suburban Arterial Design Standards

A. These standards may be used only on a rural roadway section that adjoins a roadway section currently classified as urban. The standard selected should be based on the posted speed.

B. Level of service D allowable in heavily developed urban areas.

C. Curb may be used in place of shoulders on UA-1 and UA-2 facilities. If used on suburban facilities, it shall be placed at the edge of shoulder on two lane facilities and 1 foot beyond the edge of the shoulders on multilane facilities. If used on UA-3 facilities, it shall be placed at the edge of

the shoulder. For design speeds greater than 45 mph, curb will not be placed in front of guardrail.

D. The minimum median width may be reduced to 4 feet if curb offsets are not provided. On principal arterials, particularly at intersections, the upper limit should be considered.

E. If shoulders are used, sidewalks should be separated from the shoulder.

F. Two percent acceptable for rehabilitation projects.

G. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum of 12 feet) to provide adequate stopping sight distance on structure.

H. Different radii apply at divisional islands.

I. Grades one percent higher are permissible in rolling terrain.

J. An additional 6 inches should be added for additional future surfacing.

K. Applies to facilities with shoulders. Refer to the Roadside Design Guide when 1:3 fore slopes are used.

L. Use the larger value when 1:4 fore slopes are used.

M. For LFD and ASD designs a HST-18 vehicle should be included as one of the live load vehicles.

N. For suburban roads with shoulders and curbs, consider widening each bridge 8 feet to allow for a future lane and 4 foot offsets to bridge rail.

O. Refer to EDSM II.3.1.4 when sidewalks will be provided and for guardrail requirements.

P. General Note: Overlay design standards (separate sheet) shall be applicable to those projects for which the primary purpose is to improve the riding surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§921. Design Standards for Urban and Suburban Collector Roads and Streets

Item No.	Item	Urban		Suburban 1		
		UC-1	UC-2	SC-1	SC-2	SC-3
1	Average Daily Traffic	N/A	N/A	N/A	N/A	N/A
2	Design Speed (mph)	30 - 40	45	40	45	50
3	Number of Lanes (minimum)	2 - 4	2 - 4	2 - 4	2 - 4	2 - 4
4	Width of Travel Lanes (ft)	11 - 12	12	11	11	11 - 12 2
5	Width of Shoulders (ft)					
	(a) Inside on multilane facilities	N/A	N/A	N/A	N/A	4 3
	(b) Outside	8 2, 4	8 2, 4	4 - 5 4	4 - 5 4	6, 8 5
6	Shoulder Type	Paved	Paved	Paved	Paved	Paved
7	Width of Parking Lanes (where used) (ft)	7 - 10 6	11	7 - 10 6	11	N/A
8	Width of Median on multilane facilities (ft)					
	(a) Depressed	N/A	N/A	N/A	N/A	30
	(b) Raised	4 (min) - 30 (des)	4 (min) - 30 (des)	4 (min) - 30 (des)	4 (min) - 30 (des)	26
	(c) Two way left turn lane	11 - 14 typ.	11 - 14 typ.	11 - 14 typ.	11 - 14 typ.	N/A
9	Width of Sidewalk (minimum) (where used) (ft) 7					
	(a) Offset from curb	4	4	4	4	4
	(b) Adjacent to curb	6	6	6	6	N/A
10	Fore Slope (vertical - horizontal)	1:3 - 1:4 8	1:3 - 1:4 8	1:4	1:4	1:4
11	Back Slope (vertical - horizontal)	1:3 9	1:3	1:3	1:3	1:3
12	Pavement Cross Slope (%) 10	2.5	2.5	2.5	2.5	2.5
13	Stopping Sight Distance (ft)	200 (30 mph) 305 (40 mph)	360	305	360	425
14	Maximum Superelevation (%)	4	4	4	4	6
15	Minimum Radius (ft) 11, 12					
	(a) With normal crown (-2.5% cross slope)	325 (30 mph) 700 (40 mph)	1,000	700	1,000	16,700
	(b) With 2.5% superelevation	250 (30 mph) 550 (40 mph)	750	550	750	4,400
	(c) With full superelevation	235 (30 mph) 500 (40 mph)	700	500	700	900
16	Maximum Grade (%)	9	8	7	6	6
17	Minimum Vertical Clearance (ft) 13	15	15	15	15	15
18	Minimum Horizontal Clearance (ft)					
	(a) From edge of travel lane	10	10	10	10	26 - 28 14
	(b) Outside (from back of curb) (when curb is used)	1 (min) - 6 (des)	6 (min) - 15 (des)	1 (min) - 6 (des)	6 (min) - 15 (des)	17 - 19 15
	(c) Median (from back of curb) (when curb is used)	1 (min) - 6 (des)	4 (min) - 15 (des)	1 (min) - 6 (des)	4 (min) - 15 (des)	13
19	Bridge Design Live Load 16	AASHTO	AASHTO	AASHTO	AASHTO	AASHTO
20	Minimum Width of Bridges (face to face of bridge rail at gutter line)					
	(a) Curbed facilities (without sidewalks)	Traveled 17 way plus 8'	Traveled 17 way plus 8'	Traveled 17 way plus 8'	Traveled 17 way plus 8'	Roadway width
	(b) Shoulder facilities	Roadway width	Roadway width	Roadway width	Roadway width	Roadway width
21	Guardrail Required at Bridge Ends	17	17	17	17	Yes

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

§923. Footnotes for Urban and Suburban Collector Design Standards

A. These standards may be used only on a rural roadway section that adjoins a roadway section currently classified as urban. The standard selected should be based on the posted speed.

B. For ADT less than 2,000 refer to Exhibit 6-5 on page 429 in the "AASHTO 2001 Policy on Geometric Design of Highways and Streets."

C. Applicable to depressed medians only.

D. Curb may be used instead of shoulder. Where bicycle activity is observed, a bike lane should be considered.

E. If curb will not be used, shoulder widths may be reduced, see Footnote B. When curb is used on multilane facilities, it shall be placed at the edge of shoulder. When curb is used on two-lane facilities, 8 foot shoulders will be required if a future center turn lane will be added. Curb will not be placed in front of guardrail.

F. Seven and 8foot widths are limited to residential areas for 30 and 40 mph respectively.

G. If shoulders are used, sidewalks should be separated from shoulder.

H. Where shoulders are used, 1:4 minimum fore slopes are required through the limits of horizontal clearance.

I. 1:2 back slopes are allowed where right of way restrictions dictate.

J. Two percent acceptable for rehabilitation projects.

K. It may be necessary to increase the radius of the curve and/or increase the shoulder width (maximum of 12 feet) to provide adequate stopping sight distance on structure.

L. Different radii apply at divisional islands.

M. Where the roadway dips to pass under a structure, a higher vertical clearance may be necessary. An additional 6 inches should be added for additional future surfacing.

N. The higher value is applicable to roadways with an ADT greater than 6,000.

O. These values apply to roadways with 8-foot shoulders.

P. For LFD and ASD designs a HST-18 vehicle should be included as one of the live load vehicles.

Q. Refer to EDSM II.3.1.4 when sidewalks will be provided and for guardrail requirements.

R. General Note: Overlay design standards (separate sheet) shall be applicable to those projects for which the primary purpose is to improve the riding surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35(C).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering LR 30:

Family Impact Statement

The proposed adoption of this Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. The implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget.

5. The implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent. Such comments should be submitted to Sherryl J. Tucker, Senior Attorney, P. O. Box 94245, Baton Rouge, LA 70804, Telephone (225) 237-1359.

Kam K. Movassaghi, Ph.D., P.E.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Design Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There should be no cost to state or local governmental units to implement this Rule. A legislative mandate to prescribe standards for roadways under the jurisdiction of political subdivisions which are not in the state-maintained system is contained in R.S. 48:35. The proposed Rule sets forth the current roadway design standards established by the American Association of State Highway and Transportation Officials (AASHTO). Formal promulgation in accordance with the Administrative Procedure Act, with the opportunity for public comment, is necessary to comply with the provisions of R.S. 48:35. Although this rule directly affects the standards to which local governmental units must build their roads and highways, such standards have been in effect for many years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This Rule change should have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment.

John P. Basilica, Jr.
Undersecretary
Management and Finance
0312#080

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Forestry and Department of Revenue Tax Commission

Timber Stumpage Values

The Louisiana Department of Agriculture and Forestry, Office of Forestry is hereby giving notice of the stumpage values that were adopted at the joint meeting of the Forestry Commission and Tax Commission held on December 8, 2003. The following stumpage values were adopted for the purpose of determining timber severance tax for calendar year 2004.

The Louisiana Forestry Commission, and the Louisiana Tax Commission, as required by R.S. 47:633, determined the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 2004.

Trees and Timber	Price/Scale	Price/Ton
Pine Sawtimber	\$324.50/MBF	\$40.56/Ton
Hardwood Sawtimber	\$298.22/MBF	\$31.39/Ton
Pine Chip and Saw	\$112.58/CD	\$41.69/Ton
Pulpwood		
Pine Pulpwood	\$19.16/CD	\$7.10/Ton
Hardwood Pulpwood	\$16.09/CD	\$5.64/Ton

Bob Odom
Commissioner

0312#105

POTPOURRI

Office of the Governor Office of Financial Institutions

Judicial Interest Rate Determination for 2004

Louisiana 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 2004 in accordance with §4202(B)(1).

The Commissioner ascertained that on October 1, 2003 the approved discount rate of the Federal Reserve Board of Governors which was in effect on October 1, 2003, was 2 percent.

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 3 1/4 percentage points above the discount rate as ascertained by the commissioner." Thus, the effective judicial interest rate for the calendar year 2004 shall be 5.25 percent per annum.

This determination and its publication in the *Louisiana Register* shall not be considered rule-making, within the intendment of R.S. 49:950 et seq., the Administrative Procedure Act, particularly R.S. 49:953; therefore, neither a fiscal impact statement nor a notice of intent is required.

John D. Travis
Commissioner

0312#053

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 2004:

Thursday, February 5, 2004
Thursday, April 8, 2004
Thursday, June 3, 2004 (Annual Meeting)
Thursday, August 5, 2004
Thursday, October 7, 2004
Thursday, December 2, 2004

These dates are subject to change, so please contact the board office via telephone at (225) 342-2176 or email 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 5 through April 17, 2004	Tuesday, February 5, 2004

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, June 18, 2004	Friday, May 7, 2004

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

0312#031

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
McCormick Operating Company	King's Bayou	L	John A. Montie et al.	001	139007
Campbell & Morris	Bellevue	S	Campbell	001	147178
Lanmarc Resources	Caddo Pine Island	S	Slattery	001	12635
Lanmarc Resources	Caddo Pine Island	S	Slattery	002	37156
Lanmarc Resources	Caddo Pine Island	S	Slattery	003	37205

Lanmarc Resources	Caddo Pine Island	S	AR-LA Gas Fee	001	57475
Lanmarc Resources	Caddo Pine Island	S	AR-LA Gas Fee	002	58223
Lanmarc Resources	Caddo Pine Island	S	AR-LA Gas Fee	005	59246
Lanmarc Resources	Caddo Pine Island	S	AR-LA Gas Fee	003	61110
Lanmarc Resources	Monroe	M	Marcovitz	001	171645
Signal Oil & Gas Company, Inc.	Bay St. Elaine	L	VUB;SL 2517 LL&E	02	93628
Signal Oil & Gas Company, Inc.	Rousseau	L	VUA; Ferdinand A. Leblanc	01	181865

James H. Welsh
Commissioner

0312#065

POTPOURRI

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

Scholarship/Grant Programs

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

Editor's Note: The referenced Notice of Intent may be viewed on pages 1839-1847 of the September 2003 edition of the *Louisiana Register*.

The public comment period for the processed changes to LAC 28:IV.301, 507, 509, 701, 703, 803, 805, 1701, 1705, 1903, 2103, and 2105 has been extended to January 5, 2004.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., January 5, 2004, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202 or by fax (225) 925-7440.

George Badge Eldredge
General Counsel

0312#049

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