

I. EXECUTIVE ORDERS

JML 24-32 Bond Allocation 2024 Ceiling ..... 449
JML 24-33 Bond Allocation 2024 Ceiling ..... 449
JML 24-34 Bond Allocation 2024 Ceiling ..... 450
JML 24-35 Bond Allocation 2024 Ceiling ..... 451
JML 24-36 Renewal of State of Emergency—Hurricane Ida..... 451
JML 24-37 Renewal of State of Emergency Police Officer Shortage ..... 452
JML 24-38 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area ..... 453
JML 24-39 Amending Establishment of Unified Command Group and Subcommittees ..... 453
JML 24-40 Renewal of State of Emergency—Cybersecurity Incidents ..... 454
JML 24-41 Emergency Operations Plan ..... 455
JML 24-42 Governor’s Advisory Council on Disability Affairs..... 462
JML 24-43 Governor’s Task Force on Impaired Driving ..... 463
JML 24-44 Establishment of the Louisiana Workforce and Social Services Reform Task Force..... 465
JML 24-45 Renewal of State of Emergency—Department of Transportation and Development ..... 466
JML 24-46 Flags at Half-Staff—Senator Thomas Alan “Tom” Greene..... 467
JML 24-47 Renewal of State of Emergency—Heat-Related Emergencies ..... 468
JML 24-48 Disaster Declaration—Crawfish Aquaculture Industry..... 469
JML 24-49 Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022 ..... 469

II. EMERGENCY RULES

Culture, Recreation and Tourism

Office of Tourism—Events Incentive Fund (LAC 25:V.Chapter 9)..... 471
Major Events Incentive Program (LAC 25:V.Chapter 7)..... 473

Wildlife and Fisheries

Wildlife and Fisheries Commission—Opening of Shrimp Season in a Portion of State Outside Waters..... 476
Reopening of the 2023/2024 Oyster Season in the Sister Lake Public Oyster Seed Reservation to the Harvest of Market Size Oysters ..... 477

III. RULES

Agriculture and Forestry

Office of Agro-Consumer Services, Division of Weights and Measures—Registration Requirements and Fees for Electric Vehicle Supply Equipment (LAC 7:XXXV.103, 125 and 127) ..... 478

Culture, Recreation and Tourism

Office of State Parks—Advertising on State Parks and Historic Sites and Sponsorship of Agency Assets (LAC 25:IX.601) ..... 478

Education

Board of Elementary and Secondary Education—Bulletin 741—Louisiana Handbook for School Administrators—Financial Literacy (LAC 28:CXV.2318, 2319, 2345 and LXXIX.2109, 2317)..... 480
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Certification Requirements (LAC 28:CXXXI.331, 333, and 507)..... 487
Bulletin 1573—Complaint Management Procedures—Special Education Complaint Procedures (LAC 28:LXI.305, 501, 505, and 509) ..... 489
Tuition Trust Authority, Office of Student Financial Assistance—Achieving a Better Life Experience (ABLE) (LAC 28:VI.507, 509, and 517)..... 489
Advisory Board Bylaws (LAC 28:V.Chapters 1-2) ..... 490

Environmental Quality

Office of the Secretary, Legal Affairs and Criminal Investigations Division—Open Meetings via Electronic Means Policy (LAC 33:I.Chapter 22)(OS103) ..... 496

This public document is published in accordance with R.S. 49:954.1. The publication date for this issue of the Louisiana Register is April 20, 2024. The Office of the State Register is the official state entity for all certified copies of the Louisiana Register and the content contained herein.

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**Governor**

Department of Veterans Affairs—Veterans' Affairs (LAC 4:VII.Chapter 9) ..... 498  
Division of Administration, Office of Broadband Development and Connectivity—Granting Unreserved  
Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) (LAC 4:XXI.Chapters 11-17)..... 503  
Division of Administration, Office of the Commissioner—Public Meetings via Electronic Means (LAC 4:I.101) .... 516  
Municipal Police Employees' Retirement System—Remote Meetings (LAC 58:XVIII.Chapter 19)..... 517  
Office of Financial Institutions—Private Education Lender Registry (LAC 10:XV.2001-2015) ..... 518

**Health**

Bureau of Health Services Financing—Adult Residential Care Providers—Licensing Standards  
(LAC 48:I.6831 and 6832) ..... 521  
Intermediate Care Facilities for Persons with Developmental Disabilities—Licensing Standards  
(LAC 48:I.8531 and 8591)..... 523  
Board of Practical Nurse Examiners—Additional Duties and Powers of the Board (LAC 46:XLVII.303) ..... 524  
Licensure (LAC 46:XLVII.1701 and 1703)..... 524  
Health Standards Section—Forensic Supervised Transitional Residential and Aftercare Facilities Licensing  
Standards (LAC 48:I.7206, 7215, and 7275) ..... 525

**Insurance**

Office of the Commissioner—Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement,  
and Prosecution of Insurance Fraud (LAC 37:XI.Chapter 23)..... 526

**Wildlife and Fisheries**

Wildlife and Fisheries Commission—Open Meetings via Electronic Means (LAC 76:I.101, 103, and 105)..... 527

**IV. NOTICES OF INTENT**

**Children and Family Services**

Division of Child Welfare—State Central Registry LAC 67:V.1103) ..... 528  
Licensing Section—Licensee Portal—Child Residential Care Class B, Residential Homes (Type IV),  
Child Placing Agencies—General Provisions, and Juvenile Detention  
(LAC 67:V.6956, 7108, 7311, and 7507) ..... 529

**Education**

Board of Elementary and Secondary Education—Attendance (LAC 28:CXV.1103, 1105, and 1111  
and CXXXIX.4001)..... 531  
Bulletin 111—The Louisiana School, District, and State Accountability System—ELPT Connect  
(LAC 28:XI.405) ..... 533  
Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel—Educator  
Observation and Evaluation (LAC 28:CXLVII.Chapters 1, 3, 7, and 9)..... 535  
Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years  
Early Learning and Development Standards (LAC 28:CLIX.Chapters 1-5 and CXXXVI.Chapters 1-7) ..... 541  
Bulletin 137—Louisiana Early Learning Center Licensing Regulations—Early Learning Providers  
(LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, 1917) ..... 555  
Bulletin 139—Louisiana Child Care and Development Fund Programs—Child Care Programs  
(LAC 28:CLXV.103, 309, 311, 313, 320, 507, and 515) ..... 558  
Bulletin 741—Louisiana Handbook for School Administrators—Civics and FAFSA  
(LAC 28:CXV.901 and 2319)..... 562  
Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Written Policies  
and Programs (LAC 28:LXXIX.119, 909, 1101, 1311, and 1501)  
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Principal Certification  
Pathways (LAC 28:CXXXI.1505) ..... 563  
Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act—Improving  
Processes Related to Children with Exceptionalities (LAC 28:XLIII.120, 152, 301, 322, 503,  
504, and 530)..... 565  
Immunization Exemption Communication (LAC 28:CLVII.303 and LAC 28:LXXIX.1101) ..... 567  
Written Policies and Programs (LAC 28:LXXIX.119, 909, 1101, 1311, and 1501) ..... 568

**Environmental Quality**

Office of the Secretary, Legal Affairs and Criminal Investigations Division—Emission Standard  
for Asbestos (LAC 33:III.5151)(AQ396) ..... 571

**Governor**

Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans  
Open Meetings via Electronic Means (LAC 58:V.2101 and 2103) ..... 572

**Health**

Board of Pharmacy—Controlled Dangerous Substances (CDS) Licensing (LAC 46:LIII.2707 and 2711) ..... 573  
Open Meetings via Electronic Means (LAC 46:LIII.105) ..... 574  
PMP Advisory Council Open Meetings via Electronic Means (LAC 46:LIII.2905) ..... 578  
Bureau of Health Services Financing—Children's and Adult Mental Health Services  
(LAC 50:XXXIII.Chapters 23, 61, 63, and 65) ..... 580  
Inpatient Hospital Services (LAC 50:V.121, 123, 125, and 127) ..... 582  
Pharmacy Benefit Management Program—Excluded Drugs (LAC 50:XXIX.107)..... 584  
Provider Screening and Enrollment (LAC 50:I.Chapter 15) ..... 585

Health Standards Section—Facility Need Review (LAC 48:I.Chapter 125) .....	590
Office of Behavioral Health—Children’s and Adult Mental Health Services (LAC 50:XXXIII.Chapters 23, 61, 63, and 65) .....	580
<b>Insurance</b>	
Office of the Commissioner—Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes (LAC 37:XIII.Chapter 197) .....	595
<b>Public Safety and Corrections</b>	
Corrections Services—Inmate Incentive Pay and Other Wage Compensation (LAC 22:I.331) .....	597
<b>Revenue</b>	
Office of Alcohol and Tobacco Control—Regulation IX—Prohibition of Certain Unfair Business Practices (LAC 55:VII.317) .....	600
<b>State</b>	
Office of the Secretary of State—Determination of Cure Sufficiency (LAC 31:I.307) .....	601
<b>Treasury</b>	
Deferred Compensation Commission—Deferred Compensation Plan (LAC 32:VII.101, 305, 701, 711, 721, and 10101) .....	602
<b>V. ADMINISTRATIVE CODE UPDATE</b>	
Cumulative—January 2024 through March 2024 .....	606
<b>VI. POTPOURRI</b>	
<b>Children and Family Services</b>	
Louisiana’s 2024 Annual Progress and Services Report .....	607
Social Services—Block Grant Intended Use Report .....	607
<b>Energy and Natural Resources</b>	
Office of Conservation—Orphaned Oilfield Sites .....	608
Office of Conservation, Environmental Division—Public Hearing—Ashtec Water Services .....	609
<b>Health</b>	
Board of Pharmacy—Public Hearing—Substantive Changes to Proposed Rule: Product Integrity (LAC 46:LIII.1103 and 2501) .....	609
Health Standards Section—Public Hearing-Substantive Changes to Proposed Rule: Hospitals Licensing Standards (LAC 48:I.9303, 9305, 9309, 9317, 9321, 9323, 9331, 9411, 9479, 9483, 9497, and 9501) .....	610
Public Hearing-Substantive Changes to Proposed Rule: Nurse Staffing Agencies—Licensing Standards (LAC 48:I.7703) .....	613
<b>Justice</b>	
Occupational Licensing Review Program—Accepting Participants for FY 2024-2025 .....	614
<b>Wildlife and Fisheries</b>	
Wildlife and Fisheries Commission—Public Hearing—Substantive Changes to Notice of Intent Bear Hunting Areas, Seasons, Rules and Bag Limits (LAC 76:XIX.109) .....	614
<b>VI. INDEX</b> .....	617

# Executive Orders

## EXECUTIVE ORDER JML 24-32

### Bond Allocation 2024 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- A) the manner in which the ceiling shall be determined;
- B) the method to be used in allocating the ceiling;
- C) the application procedure for obtaining an allocation of Bonds subject to such ceiling; and
- D) a system of record keeping for such allocations.

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income.

NOW THEREFORE, I, JEFF LANDRY, 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 bond issues, as described in this Section, shall be and are hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$24,000,000	Louisiana Housing Corporation	Deerwood Apartments Series 2024
\$11,800,000	Louisiana Housing Corporation	Galilee City Apartments Series 2024
\$21,350,000	Louisiana Housing Corporation	Lakeside Garden Apartments Series 2024

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein shall be valid and in full force and effect until 120 days after signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of 120 days after signature.

Section 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 8<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#108

## EXECUTIVE ORDER JML 24-33

### Bond Allocation 2024 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- A) the manner in which the ceiling shall be determined;
- B) the method to be used in allocating the ceiling;
- C) the application procedure for obtaining an allocation of Bonds subject to such ceiling; and
- D) a system of record keeping for such allocations.

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income;

NOW THEREFORE, I, JEFF LANDRY, 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:

**EXECUTIVE ORDER JML 24-34**

**Bond Allocation 2024 Ceiling**

Section 1: The bond issues, as described in this Section, shall be and are hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$16,200,000	Louisiana Housing Corporation	Arbours at Lake Charles Series 2024
\$13,000,000	Louisiana Housing Corporation	Benoit Townhomes Series 2024
\$10,000,000	Louisiana Housing Corporation	Glen Oaks Series 2024
\$11,500,000	Louisiana Housing Corporation	Highland Place Townhomes Series 2024
\$26,000,000	Louisiana Housing Corporation	KHA Affordable Properties Series 2024
\$12,000,000	Louisiana Housing Corporation	King Oaks V Series 2024
\$17,500,000	Louisiana Housing Corporation	Landry Commons Series 2024
\$17,500,000	Louisiana Housing Corporation	Loop Commons Series 2024
\$1,500,000	Louisiana Housing Corporation	Millennium Phase III Series 2024
\$20,000,000	Louisiana Housing Corporation	Morningside at Gerstner Place Series 2024
\$18,000,000	Louisiana Housing Corporation	Natchitoches Thomas Apartments Preservation Series 2024
\$10,500,000	Louisiana Housing Corporation	Parkway Commons Series 2024
\$13,750,000	Louisiana Housing Corporation	Renaud Place Series 2024
\$17,500,000	Louisiana Housing Corporation	Ridge Commons Series 2024
\$13,250,000	Louisiana Housing Corporation	Vineyards of Iowa Series 2024

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein shall be valid and in full force and effect until 120 days after signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of 120 days after signature.

Section 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 8<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#109

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

A) the manner in which the ceiling shall be determined;

B) the method to be used in allocating the ceiling;

C) the application procedure for obtaining an allocation of Bonds subject to such ceiling; and

D) a system of record keeping for such allocations.

WHEREAS, the Louisiana Housing Corporation has authorized and approved \$125,000,000 of Single Family Mortgage Revenue Bonds (Homeownership Program) Series 2024 (“Series 2024AB Bonds”), including \$100,000,000 of tax-exempt Series 2024A Bonds and has applied for an allocation of \$110,000,000 volume cap from the 2024 ceiling to be used for the principal and premium on its tax-exempt Series 2024A Bonds.

NOW THEREFORE, I, JEFF LANDRY, 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 bond issues, as described in this Section, shall be and are hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$110,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2024A (Non-AMT)

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein shall be valid and in full force and effect until 120 days after signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of 120 days after signature.

Section 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated,

or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 8<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#110

**EXECUTIVE ORDER JML 24-35**

**Bond Allocation 2024 Ceiling**

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- A. the manner in which the ceiling shall be determined;
- B. the method to be used in allocating the ceiling;
- C. the application procedure for obtaining an allocation of Bonds subject to such ceiling; and
- D. a system of record keeping for such allocations.

WHEREAS, the Iberia Parish Economic Development Authority has applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, and equipping of development projects.

NOW THEREFORE, I, JEFF LANDRY, 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 bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$20,000,000	Iberia Parish Economic Development Authority	Industrial Development Revenue Bonds

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein shall be valid and in full force and effect until 120 days from signature; any unused amount of this 2024 ceiling allocation shall be deemed returned as of that date.

Section 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 13<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#111

**EXECUTIVE ORDER JML 24-36**

**Renewal of State of Emergency—Hurricane Ida**

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

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-21, which ends on February 15, 2024;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

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

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, March 15, 2024 to

Sunday, April 14, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of March 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#112

### EXECUTIVE ORDER JML 24-37

#### Renewal of State of Emergency Police Officer Shortage

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor Jeff Landry declared a state of emergency in response to the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1), in JML 24-22;

WHEREAS, our Nation and State are experiencing a police officer staffing crisis, and law enforcement agencies are losing officers faster than they can hire new ones;

WHEREAS, nationally, law enforcement agencies experienced 47% more resignations in 2022 than in 2019 and 20% more retirements in 2022 than in 2019;

WHEREAS, 78% of national law enforcement agencies reported having difficulty in recruiting qualified candidates, and 65% reported having too few candidates applying to be law enforcement officers;

WHEREAS, 50% of national law enforcement agencies reported having to change agency policies to increase the chances of gaining qualified applicants, and 25% reported having to reduce or eliminate certain agency services, units, or positions because of staffing difficulties;

WHEREAS, the national police officer shortage has affected Louisiana with departments experiencing record-low employment and an increase in police officer response times resulting in an increased threat to the lives, property, and safety of persons within the State of Louisiana;

WHEREAS, the Louisiana Sheriffs' Association estimates that Louisiana sheriffs' offices were down approximately 1,800 deputies statewide as of July 2023;

WHEREAS, there currently exists a shortage of law enforcement officers in the State of Louisiana;

WHEREAS, the provisions of R.S. 14:139.1 do not apply when a public emergency necessitates an increase in the number of deputies;

NOW THEREFORE, I, JEFF LANDRY, 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:

Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1).

SECTION 2:

This order is effective upon signature and shall remain in effect from Friday, March 15, 2024, to Sunday, April 14, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#113

**EXECUTIVE ORDER JML 24-38**

Renewal of State of Emergency—Threat of Subsidence,  
Subsurface Instability, and Presence of Hydrocarbons  
in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-20, which ends on February 15, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern’s integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, March 15, 2024 to Sunday, April 13, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#114

**EXECUTIVE ORDER JML 24-39**

Amending Establishment of Unified Command  
Group and Subcommittees

WHEREAS, R.S. 29:725.6 establishes the state Unified Command Group (UCG) as the strategic decision-making body for emergencies in the state.

WHEREAS, R.S. 29:725.6 provides that the membership of the UCG shall be established by executive order;

WHEREAS, the Governor desires to amend JML 24-03 to add additional members to the UCG;

WHEREAS, the statute further requires that three (3) permanent subcommittees shall be established, namely:

1. An Interoperability Subcommittee;
2. A First Responders Subcommittee; and



3. A Regional Parish OEP Parish Directors Subcommittee.

WHEREAS, R.S. 29:739(D) establishes an Intrastate Mutual Aid Subcommittee; and

WHEREAS, the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is appropriate to serve as the Deputy Incident Commander.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: The Unified Command Group (UCG) is hereby amended by this Executive Order and shall be composed of twenty (20) members:

1. The director of the Governor's Office of Homeland Security and Emergency Preparedness, or the director's designee, who shall serve as the Chair/Deputy Incident Commander;

2. The Secretary of the Department of Transportation and Development; or the Secretary's designee;

3. The Superintendent of State Police, or the Superintendent's designee;

4. The Adjutant General, or the general's designee;

5. The Commissioner of the Department of Agriculture and Forestry, or the Commissioner's designee;

6. The Secretary of the Department of Children and Family Services, or the Secretary's designee;

7. The Secretary of the Department of Public Safety, or the Secretary's designee;

8. The Commissioner of the Division of Administration, or the Commissioner's designee;

9. The Secretary of the Louisiana Department of Health, or the Secretary's designee;

10. The Secretary of the Department of Wildlife and Fisheries, or the Secretary's designee;

11. The Secretary of the Department of Environmental Quality, or the Secretary's designee;

12. The Secretary of the Department of Energy and Natural Resources, or the Secretary's designee;

13. The Attorney General, or the Attorney General's designee;

14. The Secretary of the Louisiana Work Force Commission, or the Secretary's designee;

15. The Executive Secretary of the Public Service Commission, or the secretary's designee;

16. The Secretary of the Department of Economic Development, or the Secretary's designee;

17. The Chairman of the Louisiana Coastal Protection and Restoration Authority, or the Chairman's designee;

18. The Lieutenant Governor, or the Lieutenant Governor's designee;

19. The Secretary of State, or the Secretary's designee;

20. The Commissioner of Insurance or the Commissioner's designee.

Section 2: There shall be three (3) permanent subcommittees of the UCG, whose membership is set forth by R.S. 29:725.6, namely:

1. an Interoperability Subcommittee;
2. a First Responders Subcommittee; and
3. a Regional Parish OEP Parish Directors Subcommittee.

Section 3: There shall be an Intrastate Mutual Aid Subcommittee, whose membership is set forth by R.S. 29:739.

Section 4: Additionally, the UCG may establish such other subcommittees as it deems advisable and feasible under the authority granted in R.S. 29:725.6.

Section 5: 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 UCG in implementing the provisions of this Order.

Section 6: 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 in the City of Baton Rouge, on this 15<sup>th</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#115

#### EXECUTIVE ORDER JML 24-40

##### Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-24, which ends on March 22, 2024;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

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

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 et seq.

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 et seq.), Louisiana Public Bid Law (R.S. 38:2211, et seq.), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, March 22, 2024 to Sunday, April 21, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#116

## EXECUTIVE ORDER JML 24-41

### Emergency Operations Plan

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

WHEREAS, the State of Louisiana must be organized in such a way as to effectively bring available state, federal, and private resources together to support the response and recovery efforts of our local communities;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act in R.S. 29:722 has declared it necessary to authorize and provide for cooperation in emergency or disaster prevention, mitigation, preparedness, response, and recovery;

WHEREAS, it is the policy of the State of Louisiana for all homeland security and emergency preparedness functions to follow the principles outlined in the National Incident Management System, or its successor, as set forth in R.S. 29:722(C); 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 Number JBE 2022-2, issued on January 12, 2022, and by the Governor's Office of Homeland Security and Emergency Preparedness updating its emergency operations plan.

NOW THEREFORE, I, JEFF LANDRY, 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:

A. The Director of the Governor's Office of Homeland Security and Emergency Preparedness, 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. This Executive Order shall constitute the State of Louisiana Emergency Operations Plan ("Plan"), which shall be binding on all departments, commissions, boards, agencies, organizations, and employees of the State of Louisiana, and on all local governments or political

subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

B. The Director shall supplement the provisions of the Plan by prescribing rules, regulations, and procedures. Once adopted, the supplement shall also be binding on all departments, commissions, boards, agencies, organizations, and employees of the State of Louisiana, and on all local governments or political subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

C. Any supplement or subsequent changes to the plan shall continue to follow the principles outlined in the National Incident Management System, or its successor, and also 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.

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 departments, offices, agencies, and organizations of the State of Louisiana government have primary and support responsibilities for the following Emergency Support Functions (ESF) and Recovery Support Functions (RSF):

ESF	Annex	Department/Agency	Primary /Support
<b>ESF1</b>	<b>Transportation</b>	Department of Transportation and Development	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Education	S
		Louisiana Department of Health	S
		Louisiana State Police	S
		Department of Wildlife and Fisheries	S
		Department of Children and Family Services	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 2</b>	<b>Communications</b>	Governor’s Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	P
		Louisiana State Police	P
		Governor – Division of Administration	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation & Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Governor – Office of Elderly Affairs	S
		Office of the Lieutenant Governor	S
		Louisiana Oil Spill Coordinators Office	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Justice	S
		Louisiana Workforce Commission	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
Department of Children and Family Services	S		
Department of Transportation & Development	S		
Department of Wildlife and Fisheries	S		
Non-Governmental Organizations (NGO)	S		
<b>ESF 3</b>	<b>Public Works &amp; Engineering</b>	Department of Transportation & Development	P
		Louisiana Coastal Protection and Restoration Authority	P
		Governor – Division of Administration	S
		Louisiana Department of Health	S
		Department of Energy and Natural Resources	S
		Department of Environmental Quality	S
		Louisiana National Guard	S
Non-Governmental Organizations (NGO)	S		

ESF	Annex	Department/Agency	Primary /Support
ESF 4	Firefighting	Department of Agriculture and Forestry	P
		State Fire Marshal	P
		Louisiana National Guard	S
		Department of Environmental Quality	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Non-Governmental Organizations (NGO)	S
ESF 5	Emergency Management	Governor's 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 & Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Governor – Division of Administration	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Governor – Office of Indian Affairs	S
		Louisiana Oil Spill Coordinators Office	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Justice	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Office of the Lieutenant Governor	S
		Office of the Lieutenant Governor- Volunteer Louisiana	S
		Department of Revenue	S
		Secretary of State	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Department of Transportation & Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Louisiana Coastal Protection and Restoration Authority	S
Department of Public Safety	S		
State Fire Marshall	S		
Non-Governmental Organizations (NGO)	S		
ESF 6	Mass Care, Housing and Human Services	Department of Children and Family Services	P
		Louisiana Workforce Commission	P
		Department of Corrections	S
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Housing Corporation	S
		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
		State Fire Marshal	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Louisiana Department of Health	S
		Louisiana State University System and Ag Center	S
		Department of Insurance	S
		Department of Labor	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Veterans Affairs	S
		Department of Revenue	S
Department of Transportation and Development	S		

ESF	Annex	Department/Agency	Primary /Support
		Department of Wildlife and Fisheries	S
		Louisiana State Police	S
		Office of the Lieutenant Governor	S
		State Treasurer	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 7</b>	<b>Resources Support</b>	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	P
		Department of Agriculture & Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Environmental Quality	S
		Governor - Division of Administration	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Board of Regents	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Office of the Lieutenant Governor	S
		Department of Transportation & Development	S
		Department of the Treasury	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 8</b>	<b>Public Health &amp; Medical Services</b>	Louisiana Department of Health	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Children and Family Services	S
		Department of Environmental Quality	S
		Louisiana State University System	S
		Louisiana Board of Regents	S
		State Fire Marshal	S
		Louisiana Workforce Commission	S
		Department of Transportation & Development	S
		Department of Veterans Affairs	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 9</b>	<b>Search &amp; Rescue</b>	Department of Wildlife and Fisheries	P
		State Fire Marshal	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Louisiana Department of Health	S
		Department of Corrections	S
		Department of Culture, Recreation, & Tourism	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Louisiana State University Fire and Emergency Training Institute	S
		Department of Revenue - Office of Alcohol and Tobacco Control	S
		Office of the Lieutenant Governor	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 10</b>	<b>Oil Spill, Hazardous Materials and Radiological</b>	Louisiana State Police	P
		Department of Environmental Quality	P
		Louisiana Oil Spill Coordinators Office	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Coastal Protection and Restoration Authority	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		State Fire Marshal	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Energy and Natural Resources	S
		Department of Transportation and Development	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Wildlife and Fisheries	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 11</b>	<b>Agriculture</b>	Department of Agriculture & Forestry	P
		Louisiana National Guard	S
		Department of Children and Family Services	S
		Department of Corrections	S
		Department of Environmental Quality	S
		Louisiana Department of Health	S
		Louisiana Board of Regents	S
		Louisiana National Guard	S
		Louisiana State Police	
		Louisiana State University System	S
		Department of Transportation and Development	S
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Department of Wildlife and Fisheries	S
		Southern University and Ag Center	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 12</b>	<b>Energy and Utilities</b>	Department of Energy and Natural Resources/Intrastate Natural Gas	P
		Louisiana Public Service Commission/Power	P
		Louisiana Department of Health	P
		Louisiana Department of Environmental Quality (Wastewater Utilities)	S
		Department of Agriculture & Forestry	S
		Louisiana National Guard	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 13</b>	<b>Public Safety and Security</b>	Louisiana State Police	P
		Department of Justice	P
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Revenue - Office of Alcohol and Tobacco Control	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana National Guard	S
		Office of Juvenile Justice	S
		Office of the Lieutenant Governor	S
		Office of the State Fire Marshal	S
<b>ESF 14</b>	<b>In accordance with the National Disaster Recovery Framework, ESF 14 will be organized into Recovery Support Functions (RSF).</b>		
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	P
<b>RSF 1</b>	<b>Community Planning and Capacity Building</b>	Office of Community Development	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
		Louisiana Economic Development	S
		Louisiana Workforce Commission	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Department of Revenue	S
		University of Louisiana at Lafayette/NIMSAT	S
		Louisiana State University/SDMI	S
		Office of Financial Institutions	S
		Office of the Lieutenant Governor-Volunteer Louisiana	S
		Department of Education	S
		Louisiana VOAD	S
		Department of Transportation and Development	S
<b>RSF 2</b>	<b>Economic</b>	Louisiana Economic Development	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Workforce Commission	S
		Department of Agriculture and Forestry	S

ESF	Annex	Department/Agency	Primary /Support
		Department of Insurance	S
		Department of Revenue	S
		University of Louisiana at Lafayette/NIMSAT	S
		Louisiana State University/SDMI	S
		Office of Financial Institutions	S
		Office of the Lieutenant Governor	S
		Department of Education	S
		Department of Transportation and Development	S
		LSU/Southern Agriculture Centers	S
		Department of Environmental Quality	S
		Louisiana Sea Grant@ LSU	S
		Louisiana Housing Corporation	S
		Louisiana Department of Health	S
		Louisiana VOAD	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
<b>RSF 3</b>	<b>Health and Social Services</b>	Louisiana Department of Health	P
		Department of Children and Family Services	P
		Department of Education	P
		Louisiana State University Health Sciences	S
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Board of Regents	S
		Office of Community Development	S
		Louisiana VOAD	S
		Office of the Lieutenant Governor	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
		Governor's Office – Children's Cabinet	S
		Louisiana Housing Corporation	S
		Louisiana Workforce Commission	S
		Louisiana Board of Regents	S
		Louisiana Department of Corrections	S
		Louisiana Department of Environmental Quality	S
		Louisiana Department of Revenue	S
		Louisiana United Way & 211	S
		Feeding Louisiana	S
<b>RSF 4</b>	<b>Housing</b>	Louisiana Housing Corporation	P
		Department of Children and Family Services	S
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana Economic Development	S
		Louisiana VOAD	S
		Office of the Lieutenant Governor-Volunteer Louisiana	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
<b>RSF 5</b>	<b>Infrastructure Systems</b>	Department of Transportation and Development	P
		Coastal Protection and Restoration Authority	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Office of Community Development	S
		Office of Financial Institutions	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Public Service Commission	S
		Louisiana Economic Development	S
		Department of Environmental Quality	S
		Department of Energy and Natural Resources	S
		Department of Corrections	S
		Department of Public Safety	S
		Louisiana Oil Spill Coordination Officer	S
		Office of the State Fire Marshall	S
		Louisiana Housing Corporation	S
		Louisiana Department of Health	S
		Louisiana Department of Education	S

ESF	Annex	Department/Agency	Primary /Support
		Louisiana National Guard	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
<b>RSF 6</b>	<b>Natural and Cultural Resources</b>	Louisiana Department of Wildlife and Fisheries	P
		Coastal Protection and Restoration Authority	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Department of Energy and Natural Resources	S
		Department of Environmental Quality	S
		Department of Culture, Recreation, and Tourism	S
		Department of Agriculture and Forestry	S
		Office of the Lieutenant Governor	S
		Office of Community Development	S
		Secretary of State	S
		Governor's Office of Disability Affairs	S
		Governor's Office of Elderly Affairs	S
<b>ESF 15</b>	<b>Emergency Public Information</b>	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Senate and House Legislative Liaisons	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation & Tourism	S
		Office of the Lieutenant Governor	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		State Fire Marshal	S
		Governor – Division of Administration	S
		Governor – Office of Disability Affairs	S
		Governor – Office of Elderly Affairs	S
		Governor – Office of Financial Institutions	S
		Governor – Office of Indian Affairs	S
		Louisiana Oil Spill Coordinators Office	S
		Louisiana State University System	S
		Louisiana Department of Health	S
		Department of Justice	S
		Department of Insurance	S
		Louisiana Workforce Commission	S
		Department of Energy and Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Children and Family Services	S
		Secretary of State	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Louisiana Coastal Protection and Restoration Authority	S
		Non-Governmental Organizations (NGO)	S
<b>ESF 16</b>	<b>Military Support to Civilian Affairs</b>	Louisiana National Guard	P
<b>ESF 17</b>	<b>Cyber Incident Response Management</b>	Division of Administration	P
		Louisiana National Guard	P
		Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)	S
		Louisiana State Police-LA SAFE	S
		Department of Justice	S
		Louisiana Board of Regents	S
		LSU-SDMI	S
		Louisiana Optical Network Initiative (LONI Network)	S
		Louisiana Cyber Innovation Center	S



ESF	Annex	Department/Agency	Primary /Support
		Office of the Attorney General	S
		Office of the Governor	S
		Office of the Lieutenant Governor	S
		Secretary of State	S
		Department of the Treasury	S
		Louisiana Commissioner of Insurance	S
		Louisiana Department of Health	S
		Department of Agriculture and Forestry	S
		Louisiana Public Service Commission	S
		Louisiana Workforce Commission	S
		Department of Education	S
		Department of Children and Family Services	S
		Department of Wildlife and Fisheries	S
		Department of Energy and Natural Resources	S
		Department of Environmental Quality	S

Section 5: The head of each department, office, agency, and organization 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. The head shall also designate a Continuity of Operations Plan (COOP) coordinator who will prepare and maintain plans, procedures, arrangements, and agreements to ensure that the organization will continue to carry out its mission in an emergency or disaster.

Section 6: The head of each department, office, agency, and organization 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. The head shall also designate a Continuity of Operations Plan (COOP) coordinator who will prepare and maintain plans, procedures, arrangements, and agreements to ensure that the organization will continue to carry out its mission in an emergency or disaster.

Section 7: The head of each department assigned emergency support or recovery support responsibilities in Section 4 of this Order shall assist its primary department in the preparation of their 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 will:

A. Staff the State Emergency Operations Center and or Joint Field Office 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, or in the department's designated Emergency Operations Center, 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 the 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 needed modifications of their implementing procedures; and

F. Maintain logs, records, and reporting systems 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 this Order.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#117

#### EXECUTIVE ORDER JML 24-42

Governor's Advisory Council on Disability Affairs

WHEREAS, citizens of the State of Louisiana with disabilities have unique needs including, but not limited to, access to continued education concerning compliance with all disability rights laws;

WHEREAS, the State of Louisiana will strive to remove any barriers that may prohibit individuals with disabilities from living a full, integrated and active life, and will provide relative to accomplishing that goal; and

WHEREAS, it is in the best interests of the citizens of the State of Louisiana to have a centralized and coordinated effort to further opportunities for persons with disabilities to

enjoy full and equal access to lives of independence, productivity, and self-determination by serving Louisiana citizens with disabilities;

NOW THEREFORE, I, JEFF LANDRY, 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 Governor's Advisory Council on Disability Affairs (hereafter "Council") is established and created within the executive department, Office of the Governor, Office of Disability Affairs.

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

A. Identify the needs, issues, and solutions relative to persons with disabilities;

B. Assist the Governor's Office of Disability Affairs, when requested, in the resolution of state disabilities issues; and

C. Provide education, communication, and networking services concerning disability issues and needs for all Louisiana citizens.

Section 3: The Council shall be composed of nine (9) members; the State ADA Coordinator, the Executive Director of the Governor's Office of Disability Affairs, one (1) member of the Louisiana State Senate, designated by the President of the Louisiana Senate, one (1) member of the Louisiana House of Representatives designated by the Speaker of the Louisiana House of Representatives; and five members appointed by the Governor who are representative of persons with disabilities.

Section 4: 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 by and from the membership of the Council.

Section 5: The Council shall meet at regularly scheduled intervals and at the call of the chair.

Section 6: Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council. Council members who are an employee or an elected public official 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.

Section 7: Support staff, facilities, and resources for the Council shall be provided by the Office of Disability Affairs, Office of the Governor.

Section 8: Executive Orders No. JBE 16-10 issued on April 7, 2016, and No. JBE 2020-7 issued on March 3, 2020 are hereby terminated.

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 Council 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 in the City of Baton Rouge, on this 22nd day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#118

### EXECUTIVE ORDER JML 24-43

#### Governor's Task Force on Impaired Driving

WHEREAS, in 2023, preliminary data show that 736 people were killed or seriously injured in Louisiana in alcohol-involved traffic crashes, while 428 people were killed or seriously injured in traffic crashes where the driver(s) were suspected of having used drugs or a combination of alcohol and other drugs;

WHEREAS, in 2023, preliminary data show that 46% of Louisiana's traffic fatalities involved at least one driver suspected of using drugs or a combination of alcohol and at least one other drug;

WHEREAS, in 2023, preliminary data shows that 26% of Louisiana's traffic fatalities involved at least one driver with a blood alcohol concentration of .08% BAC or higher;

WHEREAS, in 2023, an average of 4.5 drugs other than alcohol were detected in blood samples submitted to the Louisiana State Police Crime Laboratory as a result of traffic investigations;

WHEREAS, in 2024, Louisiana automobile owners pay high premiums for motor vehicle liability insurance, ranking third highest in the nation in costs for insurance, with an average premium of \$3,629.00;

NOW THEREFORE, I, JEFF LANDRY, 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 Governor's Task Force on Impaired Driving (hereafter "Task Force") is reestablished within the Office of the Governor.

Section 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Addressing the high incidence of driving while intoxicated or under the influence of drugs, data collection and analysis on DWI conviction rates, the prevalence of drivers refusing to submit to tests as directed by law enforcement and strategies to reduce such incidences, and the frequency of arrest, prosecution, and conviction of drug-impaired drivers;

B. Identifying and implementing effective impaired driving countermeasures, such as substance abuse assessment/treatment, electronic monitoring, DWI offender monitoring, alcohol interlock devices, sanctions, etc., in order to reduce impaired driving;

C. Analyzing data trends related to alcohol and other drug-involved fatal or serious injury crashes;

D. Soliciting input and recommendations from all agencies, departments, commissions, boards, or offices that are involved in impaired driving enforcement, prevention,

and countermeasures, particularly law enforcement officers at the state, parish, and local levels to aid in the implementation of the provisions of this Order;

E. Conducting regular analysis and assessment of Louisiana's impaired driving statutes and recommending changes as needed;

F. Aligning priorities to support the Louisiana Statewide Impaired Driving Plan updated annually by the Louisiana Highway Safety Commission and the Strategic Highway Safety Plan updated annually by the Louisiana Department of Transportation and Development; and

G. Acting in an advisory capacity to the Governor, Drug Policy Board, the Louisiana Highway Safety Commission, the Alcohol and Tobacco Control Commission, and the Louisiana Department of Health-Office of Behavioral Health.

Section 3: By December 1, 2024, and annually thereafter, the Task Force shall submit a comprehensive written report to the Governor on the issues set forth in Section 2 of this Order.

Section 4: The Task Force shall be composed of a maximum of twenty-one (21) members who are selected as follows.

1. The attorney general, or the attorney general's designee;

2. One (1) member of the Louisiana House of Representatives, designated by the Speaker of the Louisiana House of Representatives;

3. One (1) member of the Louisiana State Senate, designated by the President of the Louisiana Senate;

4. The commissioner of the Office of Alcohol and Tobacco Control, Department of Revenue, or the commissioner's designee;

5. The commissioner of the Department of Public Safety, Office of Motor Vehicles, or the commissioner's designee;

6. The executive director of the Louisiana Highway Safety Commission;

7. The assistant secretary of the Louisiana Department of Health, Office of Behavioral Health, or the assistant secretary's designee;

8. A representative of the Louisiana State Police, designated by the Superintendent of State Police;

9. The director of the Office of Drug Policy, Office of the Governor;

10. A representative of the Louisiana State Police Crime Lab designated by the commander of the Louisiana State Police Crime Lab;

11. The secretary of the Department of Transportation and Development, or the secretary's designee;

12. The director of the Louisiana Property and Casualty Insurance Commission, or the director's designee;

13. A representative of the Louisiana District Attorneys Association, designated by the president of the Louisiana District Attorneys Association;

14. A representative of the Louisiana Sheriff's Association, designated by the president of the Louisiana Sheriff's Association;

15. A representative of the Municipal Police Officers Association, designated by the president of the Municipal Police Officers Association;

16. A representative of Mothers Against Drunk Driving, designated by the highest ranking staff member of the Louisiana State Office of Mothers Against Drunk Driving;

17. A representative of the Louisiana Restaurant Association, designated by the president of the Louisiana Restaurant Association; and

18. The director of the Louisiana Supreme Court Drug and Specialty Court Office, or the designee of the director with expertise in Drug/DWI court administration; and

19. Three (3) at-large members appointed by the governor, at least one of whom shall be a victim or family member of a victim of impaired driving.

Section 5: The executive director of the Louisiana Highway Safety Commission shall serve as chair of the Task Force. The Task Force may elect other officers, as deemed necessary.

Section 6: The Task Force shall meet at least four times per calendar year and at the call of the chair.

Section 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

A Task Force member who is an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from his or her employing and/or elected department, agency and/or office.

A Task Force member who is also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for his or her attendance.

Section 8: Support staff, facilities, and resources for the Task Force shall be provided by the Office of the Governor, Office of Drug Policy and the Louisiana Highway Safety Commission.

Section 9: Executive Order JBE 18-03, issued on February 7, 2018, and Executive Order JBE 18-23, issued on September 13, 2018 are hereby rescinded.

Section 10: 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 Task Force in implementing the provisions of this Order.

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 Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of March, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#119

## EXECUTIVE ORDER JML 24-44

### Establishment of the Louisiana Workforce and Social Services Reform Task Force

WHEREAS, Louisiana needs an educated and skilled workforce for employment in diverse occupations and industries;

WHEREAS, the Louisiana workforce is increasingly in need of access to high quality education and training programs aligned to the growing technological competencies required in occupations;

WHEREAS, Louisiana has over 110,000 unfilled jobs every month, yet a labor force participation rate under 59%;

WHEREAS, Louisiana's public workforce system is a maze of confusing and inefficient programs and is not meeting the challenges faced by employers and workers;

WHEREAS, a recent legislative audit report of federally-funded workforce and social services identified staggeringly low program outcomes and highlighted the need for a unified vision, integrated service delivery, stronger coordination and partnership, and improved oversight for positive outcomes;

WHEREAS, the audit report found that the state needs increased collaboration among agencies and stake holders in order to implement a unified vision and plan for how to best coordinate and administer these programs;

WHEREAS, the audit report found that public assistance programs and workforce development programs in Louisiana are overseen and administered by various state agencies such that an individual may have to go through multiple doors to access services;

WHEREAS, the audit report found that although Louisiana has a unified Workforce Innovation and Opportunity Act state plan, the state still needs increased collaboration among agencies and stakeholders in order to implement a unified vision and plan for how to best coordinate and administer public assistance and workforce development programs;

WHEREAS, Louisiana does not have a centralized location that includes a clearing house of the available public assistance programs, how to access them, and eligibility requirements;

WHEREAS, Congress is currently considering reauthorization of the Workforce Innovation and Opportunity Act (WIOA) and new opportunities to grant states the ability to pilot comprehensive innovation demonstration programs; and

WHEREAS, research has shown that an integrated system of workforce and social services more effectively supports Louisiana's most vulnerable citizens in escaping poverty through targeted supports and work to achieve dignity and self-sufficiency, which not only lifts individuals but also strengthens Louisiana's economy.

NOW THEREFORE, I, JEFF LANDRY, 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 Workforce Reform Task Force shall be composed of 17 total members representing the following:

A. The Commissioner of Administration or his designee;

B. The Secretary of the Louisiana Workforce Commission (LWC) or her designee and one additional staff member having knowledge of workforce programming;

C. The Secretary of the Louisiana Department of Children and Family Services or his designee and one additional staff member having knowledge of social services programming;

D. The Secretary of the Louisiana Department of Economic Development or her designee;

E. The President of the Louisiana Community and Technical College System or his designee;

F. The State Superintendent of the Louisiana Department of Education or his designee;

G. The Secretary of the Louisiana Department of Health or his designee;

H. The Secretary of the Louisiana Department of Veterans Affairs or his designee;

I. The Secretary of the Louisiana Department of Corrections or his designee;

J. The Speaker of the Louisiana House of Representatives or his designee;

K. The President of the Louisiana State Senate or his designee;

L. The Louisiana Legislative Auditor or his designee;

M. One (1) member who represents the local workforce development boards authorized under the Workforce Innovation and Opportunity Act, appointed by the Secretary of the Louisiana Workforce Commission;

N. One (1) who represents a non-profit organization providing services throughout Louisiana to individuals in poverty, appointed by the Secretary of the Louisiana Department of Children and Family Services; and

O. One (1) member who represents employers, appointed by the Governor.

Section 2: The duties of the Task Force shall include the following:

A. Conduct research and collect data on state models for coordinating and fully integrating workforce, social services, education, child care, and health care programs and develop alternative approaches that Louisiana should consider to achieve improved outcomes. Such programs shall prioritize but not be limited to:

i. Workforce Innovation and Opportunity Act (WIOA) programs, including oversight for an integrated regional service delivery system;

ii. Unemployment Insurance (UI) program;

iii. Vocational Rehabilitation (VR) program;

iv. Temporary Assistance for Needy Families (TANF) program;

v. Supplemental Nutrition Assistance Program (SNAP);

vi. SNAP Employment and Training Program (SNAP E&T); and

vii. Child Care Assistance Program (CCAP).

B. Conduct research and collect data on performance outcomes of various workforce programs, including an analysis of the number of common participants enrolled in multiple programs across state agencies;

C. Conduct an asset map that incorporates office locations, case management systems, and customer intake and eligibility procedures the above services and programs;

D. Issue a final report containing recommendations for the integration of aforementioned services and programs, including any state department or agency reorganizations needed to achieve desired outcomes for the people of Louisiana. The report shall address the following key components:

i. How current services and programs are organized and administered at the state agency level;

ii. A vision for how service delivery can be integrated for the benefit of all Louisianans who rely on such services and programs, including those currently delivered at the state, regional, and local levels;

iii. Opportunities for financial integration and efficient methods for allocating costs across multiple services and programs;

iv. Recommendations on how supportive services, such as child care, trauma recovery, health insurance, can better support employment outcomes; and

v. Identification of efficiencies leading to cost savings that can be used for enhanced services, such as increased resource availability for Louisianans to access education and training.

A. The Task Force may form work groups of Task Force members to focus on specific issues or topics as needed; and

B. The Task Force may utilize non-Task Force subject matter experts to facilitate meetings, conduct research, and/or provide technical assistance.

Section 3: The Secretary of the Louisiana Workforce Commission and the Secretary of the Louisiana Department of Children and Family Services, or their designees, shall serve as co-chairs of the Task Force and shall jointly convene the first meeting no later than May 1, 2024. The Louisiana Workforce Commission shall provide staff support to the Task Force as needed.

Section 4: The Secretary of the Louisiana Workforce Commission shall provide updates for members of the Task Force relative to efforts by the United States Congress to reauthorize and reform the Workforce Innovation and Opportunity Act, including, but not limited to, opportunities to incorporate recommendations contained within the final report through new demonstration and waiver authority or other changes to current federal laws. The final report shall identify opportunities for Louisiana to participate in any federally-authorized workforce demonstration project, including specific provisions requiring waiver requests.

Section 5: The Task Force's final report shall be provided to the Governor and each member of the Louisiana Legislature no later than January 31, 2025.

Section 6: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

A Task Force member who is an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from his or her employing and/or elected department, agency and/or office.

Section 7: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 8: This order is effective upon signature of the Governor, and it shall remain in effect until the Task Force has provided the final report in Section 2 to the Governor, or until amended, modified, terminated or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of March 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#120

#### EXECUTIVE ORDER JML 24-45

##### Renewal of State of Emergency—Department of Transportation and Development

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road) and for repairs to the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac in Terrebonne Parish;

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, in Terrebonne Parish, the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac was determined, by recent inspection finding, to be in need of immediate replacement;

WHEREAS, the current deteriorated condition of the bridge warrants a low posting of three tons and reduction to single lane travel. Furthermore, there is no current alternate route;

WHEREAS, the Department of Transportation and Development intends to perform an emergency replacement

of the bridge but, doing so requires a complete closure of the structure;

WHEREAS, the Terrebonne Levee and Conservation District owns sufficient property to provide a detour, bypass road while the emergency bridge replacement is ongoing and the Department of Transportation and Development has funds available and manpower to construct a detour road on the property of Terrebonne Levee and Conservation District to provide a bypass for the traveling public;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 48:757, a state of emergency is hereby declared in the vicinity of the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac, Terrebonne Parish for the limited purpose of authorizing the expenditure of state funds to construct the necessary bypass road on property of the Terrebonne Levee and Conservation District.

Section 3: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 4: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 5: This Order is effective upon signature and shall continue in effect from Thursday, March 28, 2024 to Saturday, April 27, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28<sup>th</sup> day of March 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#121

#### EXECUTIVE ORDER JML 24-46

Flags at Half-Staff—Senator Thomas Alan “Tom” Greene

WHEREAS, Thomas Alan "Tom" Greene, a former distinguished member of the Louisiana State Senate, died on March 22, 2024;

WHEREAS, he was born to George and Wylie Mae Greene and had seven siblings, Kenny, Donny, Craig, Mark, Kathy, Stephanie, and Tami;

WHEREAS, he earned a Bachelor's in Electrical Engineering, a Master's in Nuclear Engineering, and a Doctor of Veterinary Medicine from Louisiana State University;

WHEREAS, he practiced veterinary medicine in Livonia for 44 years with compassion and exemplary care;

WHEREAS, he married his beloved wife Cathy, and they were married for 51 years;

WHEREAS, they settled in Maringouin and had five children: Holland (Breux), Craig (Kristen), Jason (Leigh), Ryan (Bonnie) and Boyd (Meagan), and 21 grandchildren;

WHEREAS, he lived a life that was dedicated to helping and serving others, including his service to our state as a State Senator;

WHEREAS, those who knew him were taught rich life lessons of integrity, virtue, strength, honor, and hard work;

WHEREAS, he was beloved by all who knew him, and he was deeply rooted in a belief that, "life's about relationships and none greater than knowing our Lord";

WHEREAS, Thomas Alan "Tom" Greene's dedication as a public servant and community leader to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: As an expression of respect and to honor Thomas Alan "Tom" Greene, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on April 1, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 1, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 28<sup>th</sup> day of March 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#122

### EXECUTIVE ORDER JML 24-47

#### Renewal of State of Emergency—Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-28, which expires on April 4, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(l) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way

prevent, hinder, or delay necessary action in coping with the emergency, and;

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(l), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Thursday, April 4, 2024 to Saturday, May 4, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4<sup>th</sup> day of April 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#123

## EXECUTIVE ORDER JML 24-48

### Disaster Declaration Crawfish Aquaculture Industry

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order Number JML 24-30 and expires on April 4, 2024;

WHEREAS, the Governor is responsible for meeting the dangers to the State and people presented by disasters;

WHEREAS, when the Governor determines that a disaster has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of disaster by executive order or proclamation, or both;

WHEREAS, the State of Louisiana is the top producer of crawfish in the nation, generating an annual harvest between 175 and 200 million pounds;

WHEREAS, the crawfish industry in Louisiana contributes over \$500 million annually to Louisiana's economy;

WHEREAS, the State of Louisiana experienced extreme drought conditions and record temperatures with heat indices in the 100s through the summer and into the fall of 2023;

WHEREAS, the extreme drought conditions and the resulting lows in the Mississippi River resulted in saltwater intrusion from the Gulf of Mexico and the Intracoastal Waterway;

WHEREAS, 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-47, which expires May 4, 2024;

WHEREAS, the Small Business Administration issued an Economic Injury Disaster Loan declaration for the State of Louisiana on March 21, 2024 due to the incident of severe or extreme drought experience by the state from 9/19/23 through 12/5/2023;

WHEREAS, the President of the United States signed FEMA-3600-EM-LA on September 27, 2023, declaring Jefferson, Orleans, Plaquemines, and St. Bernard parishes to be impacted due to saltwater intrusion resulting from low water levels of the Mississippi River;

WHEREAS, in November of 2023, the LSU AgCenter compiled a preliminary estimate of the impact of drought and excessive heat on the Louisiana agriculture and forestry sectors;

WHEREAS, the LSU AgCenter found that over 46,300 crawfish acres could not be farmed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter projects that an additional 45,700 crawfish acres failed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, approximately 365,000 crawfish acres have been affected by the conditions of saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter predicts a statewide yield loss of 54% across the 365,000 affected crawfish acres;

WHEREAS, the exact fiscal impact to the State is indeterminable, and damages to the State's crawfish agriculture industry alone are estimated to total \$139.8 million;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of disaster is declared to exist in Louisiana.

Section 2: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 3: This Order is effective upon signature and shall continue in effect from Thursday, April 4, 2024, until Saturday, May 4, 2024, unless amended, modified, terminated, or rescinded earlier 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 in the City of Baton Rouge, on this 4<sup>th</sup> day of April, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#124

## EXECUTIVE ORDER JML 24-49

### Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022

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

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four



Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-29, which ends on April 4, 2024, and;

WHEREAS, there is a need to continue Proclamation Number JML 24-29 because several parishes are still working to recover from the damage caused by these storms.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for

comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Thursday, April 4, 2024 to Saturday, May 4, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4<sup>th</sup> day of April 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2404#125

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Culture, Recreation and Tourism Office of Tourism

#### Events Incentive Fund (LAC 25:V.Chapter 9)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:1261 Events Incentive Fund (EIF), the Department of Culture, Recreation and Tourism adopts by emergency process the attached Rule relative to the administration of the Events Incentive Fund and the Events Incentive Program (EIP).

Of the many sectors the pandemic has severely impacted, tourism is one of the most affected. To expedite support to the tourism industry and promote employment opportunities for all citizens throughout the state through the orderly but accelerated development of tourism, travel and hospitality industries, the legislature authorized the emergency enactment of rules to implement the EIP. This Emergency Rule shall be effective March 28, 2024, and shall remain in effect for a period of 180 days or until adoption of final rules, whichever occurs first.

The Department of Culture, Recreation and Tourism promulgated an Emergency Rule on October 1, 2023 (*Louisiana Register*, Volume 49, Number 10). Upon further discussion, the Department of Culture, Recreation and Tourism has determined that it is necessary to amend the provisions of the October 1, 2023, Emergency Rule.

#### Title 25

### CULTURAL RESOURCES

#### Part V. Office of Tourism

### Chapter 9. Events Incentive Program

#### §901. Purpose

A. Act 751 of the 2022 Regular Legislative Session created the Events Incentive Fund, a special fund in the Department of Treasury, and provided for the lieutenant governor, through the Department of Culture, Recreation and Tourism, (the department) to administer the Events Incentive Program (EIP). The department is authorized by R.S. 51:1261 to provide financial incentives for eligible events held in Louisiana.

B. The purpose of the EIP is to provide grant funding to municipalities, parishes, official tourism commissions, convention and visitor bureaus, official destination marketing organizations, and nonprofit corporations for costs associated with attracting, planning, marketing, and conducting events as defined and provided for in R.S.51:1261 and this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §903. Construction of Rules

A. The department shall administer the EIP in a manner consistent with the requirements in R.S. 51:1261, and R.S. 51:1261 shall control over any conflicting provision of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §905. Definitions

A. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

*Applicant*—a municipality, parish, official tourism commissions or convention and visitor bureau, official destination marketing organization and nonprofit corporation.

*Official Destination Marketing Organization*—the political subdivision of the state authorized to provide destination marketing and management services for a jurisdiction by promoting a town, city, region, or parish in order to increase the number of visitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §907. Eligibility

A. An applicant is eligible to receive funding through the EIP only if all the following apply:

1. The event is not a qualified major event as defined by R.S. 51:1260.

2. The event is not held more than one time per year in Louisiana or any other state. The provisions of this Paragraph shall not apply to events occurring twice in one year due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence which causes the event to move or be rescheduled.

3. The eligible applicant timely submits an application for grant funding and documentation that includes the total anticipated cost of the event, the amount and anticipated sources of funding for the event, an economic analysis indicating the event has an anticipated impact of \$350,000 or greater to the state, and a proposal for the utilization of grant funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §909. Application for Event Incentive Funding

A. The department shall provide a standard application form for eligible applicants and a process to be used to apply for funding under the EIP.

B. The application shall include in its application information, documentation, and certifications relevant to

the eligibility requirements, the purposes and objectives of the EIP, economic impact data and other information that supports a determination that the event will have a significant positive impact in the state, and information that will be included in the grant agreement if a grant is awarded.

C. At a minimum, the applicant shall provide the department with a completed application, signed by an authorized official, which shall include, but is not limited to the following:

1. event name;
2. date or date range of the event;
3. description and location of the event;
4. the total anticipated cost of the event including the most recent current budget for the event with:
  - a. the amount of the requested funding from the EIP;
  - b. line items for all projected expenses, noting those expenses that are eligible expenses under the EIP grant and those the applicant proposes funding with the requested EIP grant;
5. the amount and anticipated sources of funding for the event including:
  - a. line items for revenue, noting all revenue sources that are public entities;
  - b. in-kind goods and services;
6. an economic analysis indicates the event has an anticipated impact of \$350,000 or greater to the state, by providing:
  - a. projected attendance figures;
  - b. description of the methodology that will be used for determining the total actual attendance;
  - c. projected average spending per attendee;
  - d. other projected direct spending related to the event;
  - e. how the event will have a significant positive impact in the state; and
  - f. a certification from the person(s) who prepared the economic, attendance, and spending study, report, and data for the application, attesting to the accuracy of the information provided;
7. a proposal for the utilization of grant funding;
8. information and documentation necessary to draft the grant agreement, including:
  - a. name and title of the official authorized to execute the grant agreement;
  - b. federal and state tax identification numbers; and
  - c. documentation the applicant is in good standing with the office of the secretary of state and has authority to enter into contracts with the state.

D. To ensure the department's award of EIP grant complies with Article VII, Section 14 of the Louisiana Constitution, the applicant shall include in its application a detailed proposal describing how the EIP award for the event will support the statewide development and implementation of cultural, recreation and/or tourism programs in Louisiana, specifically, the marketing of Louisiana as a tourism destination. This information will be included in the language of the grant agreement. The applicant shall include a budget with the proposal for marketing Louisiana as a tourism destination, and the proposed activities and budget must reflect a minimum value of 10 percent of the grant award. The department explicitly recognizes the following

non-exhaustive forms of marketing are acceptable, if provided by the grant recipient upon notification of the grant award and continued throughout the term of the grant agreement:

1. a 30-second commercial spot placement leading up to and during the event, if broadcast;
  2. an advertisement printed in all associated publicity of the event;
  3. a sponsorship mentioned during televised or audio interviews;
  4. a placement for the Louisiana Office of Tourism logo with click-thru link to <https://www.ExploreLouisiana.com>, in materials promoting the event. such as:
    - a. home page of the official event website and applicant's official event website;
    - b. print, tv or social media ad(s) marketing the event;
    - c. email correspondence to event participants; and
    - d. billboards promoting the event.
- E. If the department requires additional information from the applicant in order to review/approve the application, the applicant will be notified via email and must respond within 10 business days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§911. Application Deadline**

A. The application and required documentation should be received no later than one hundred and eighty days prior to the event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§913. Maximum Award Amount**

A. The maximum amount of any EIP grant awarded by the department is 25 percent of the total costs incurred by the entity for attracting, marketing, planning, and conducting of the event, not to exceed \$250,000 per grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§915. Post-Event Reporting**

A. Within the time provided in the written agreement, the grantee shall submit a statement to the lieutenant governor which shall include the following:

1. the designated targeted area of the event;
2. to the extent possible, the economic impact of the event to the area and the state; and
3. attendance data and other information relevant to the achievement of the public purposes of the program and relevant to compliance with R.S. 51:1261, this Chapter, and terms of the grant agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§917. Recapture**

A. Any funds found not to be properly spent in accordance with R.S. 51:1261, this Chapter, the terms of the grant agreement, and regulations of the funding source may

be subject to recapture and shall be considered in the department's evaluation of any application for funding submitted by the grantee to the department in the future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1261.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

Jeff Harlan  
Deputy Assistant Secretary

2404#010

## DECLARATION OF EMERGENCY

### Department of Culture, Recreation and Tourism Office of Tourism

#### Major Events Incentive Program (LAC 25:V.Chapter 7)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:1260 Major Events Incentive Fund; Major Events Incentive Program, the Department of Culture, Recreation and Tourism, adopts by emergency process the attached Rule relative to the administration of the Major Events Fund and the Major Events Incentive Program (MEIP).

Of the many sectors the pandemic severely impacted, tourism is one of the most affected. To expedite support for the tourism industry and to promote employment opportunities throughout the state through the orderly but accelerated development of tourism, travel and the hospitality industries, the legislature authorized the emergency enactment of rules to implement the MEIP. This Emergency Rule shall be effective March 28, 2024, and shall remain in effect for a period of 180 days or until adoption of the final rules, whichever occurs first.

The Department of Culture, Recreation and Tourism promulgated an Emergency Rule on October 1, 2023 (*Louisiana Register*, Volume 49, Number 10). Upon further discussion, the Department of Culture, Recreation and Tourism has determined that it is necessary to amend the provisions of the October 1, 2023 Emergency Rule.

#### Title 25

#### CULTURAL RESOURCES

#### Part V. Office of Tourism

#### Chapter 7. Major Events Incentive Program

#### §701. Purpose

A. Act 751 of the 2022 Regular Legislative Session transferred from the Department of Economic Development to the lieutenant governor, through the Department of Culture Recreation and Tourism, (the "department") the administration of the Major Events Incentive Program (MEIP). The department is authorized by R.S. 51:1260 to provide financial incentives for eligible events to be held in Louisiana.

B. The purpose of the MEIP is to provide grant funding to event producers and hosts, local organizing committees, endorsing municipalities, endorsing parishes, official tourism commissions, convention and visitors bureaus, and

official destination marketing organizations, for costs associated with attracting and hosting major events that will have a significant positive impact on the state as specifically defined and provided for in R.S. 51:1260 and this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §703. Construction of Rules

A. The department shall administer the MEIP in a manner consistent with the requirements in R.S. 51:1260, and R.S. 51:1260 shall control over any conflicting provision of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### §705. Definitions

A. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

*Applicant*—an event producer, host, local organizing committee, endorsing municipality, endorsing parish, official tourism commission, convention and visitor bureau or official destination marketing organization.

*Endorsing Municipality*—either of the following:

a. a municipality that contains a site selected by a site selection organization for a major event and is a party to an event support contract;

b. a municipality that does not contain a site selected by a site selection organization for a qualified major event but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

*Endorsing Parish*—either of the following:

a. a parish that contains a site selected by a site selection organization for a qualified major event and is a party to an event support contract;

b. a parish that does not contain a site selected by a site selection organization for a qualified major event but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

*Event Support Contract or Event Contract*—a joint undertaking, a joint agreement, or a similar contract executed by a local organizing committee, an endorsing municipality, an endorsing parish, official tourism commission, convention and visitors bureau, or official destination marketing organization, or any combination thereof, and a site selection organization.

*Local Organizing Committee*—an organization created or recognized as the official host entity sanctioned by an endorsing municipality or parish for a specified qualified major event.

*Qualified Major Event*—a National Football League Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the X Games, a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason game, a college tournament or championship, the World Games, a national collegiate championship of an

amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, a mixed martial arts championship, the Breeders' Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull Signature Series, a football kickoff game between two National Collegiate Athletic Association teams, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, the United States Bowling Congress Tournament, the WWE WrestleMania, the Bayou Classic, the Essence Festival, the Zurich Classic or other PGA Tour event, a national military event, a national political convention of the Republican National Committee or of the Democratic National Committee, or any National Collegiate Athletic Association conference, convention, or conference media event, including conference media days. The term includes any activities related to or associated with a qualified major event.

*Site Selection Organization*—any of the following:

- a. the National Football League, the National Collegiate Athletic Association or any affiliated conference, or any team or teams thereof, the National Basketball Association, the International World Games Association, or the United States Olympic Committee;
- b. the national governing body of a sport that is recognized by the United States Olympic Committee;
- c. the National Thoroughbred Racing Association;
- d. the Republican National Committee or Democratic National Committee;
- e. the United States Bowling Congress; or
- f. the national governing body of an organization not listed in Subparagraphs a-e of this Paragraph that schedules a qualified major event as defined in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§707. Minimum Requirements for Eligibility to Apply**

A. The department shall only consider MEIP grant applications that meet minimum eligibility criteria.

1. applicant eligibility:

a. eligibility to apply for an MEIP grant award is limited to event producers and hosts, local organizing committees, endorsing municipalities, endorsing parishes, official tourism commissions, convention and visitors bureaus, and official destination marketing organizations.

2. event eligibility:

a. eligibility to receive MEIP funding is limited to events that meet all of the following criteria:

i. The event is included in the definition of qualified major event; and

ii. A site selection organization, the event producer, or host selects or has selected a site in Louisiana under either of the following circumstances:

(a) after holding a bidding or invitation selection process involving required terms and conditions that could be fulfilled by sites not located in Louisiana; or

(b) as the sole site for the event or the sole site for the event in a region composed of Louisiana and one or more states; and

iii. The event is not held more than one time per year in Louisiana or any other state. The provisions of this Clause shall not apply to events occurring twice in one year due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence which causes the event to move or be rescheduled.

3. expense eligibility:

a. The use of an MEIP grant award is limited to the following purposes:

i. to pay or reimburse the costs of applying or bidding for selection as the site of the event; and

ii. to pay or reimburse the costs of planning for or conducting the event.

B. An applicant shall ensure its application for an MEIP grant includes all necessary information, documentation, and certifications to verify compliance with the minimum eligibility requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§709. Application for Major Event Incentive Funding**

A. The department shall provide a standard application form for eligible applicants to apply for MEIP funding.

B. The applicant shall include in its application all information, documentation, and certifications relevant to the eligibility requirements, the purposes and objectives of the MEIP, economic impact data and other information that supports a determination that the event will have a significant positive impact in the state, and information that will be included in the grant agreement if a grant is awarded.

C. At a minimum, the applicant shall provide the department with a completed application, signed by an authorized official, which shall include but is not limited to, the following:

1. event information, including but not limited to:

a. event name;

b. date or date range of the event;

c. description of the event and any activities related to or associated with the event;

d. location of the event; and

e. documentation indicating the event meets all minimum eligibility requirements, including but not limited to:

i. written endorsement from the endorsing municipality or endorsing parish signed by a person authorized to bind the municipality or parish; and

ii. signed event support contract or letter, from the site selection organization or the event producer or host that has selected the site in Louisiana, which includes all the information necessary to establish that:

(a) the site was selected after holding a bidding or invitation selection process; or

(b) that the site is a sole site for the event.

2. economic impact information, including but not limited to:

a. identification of the designated area that will be impacted by the occurrence of the event;

b. an economic impact study, report or other data sufficient to reasonably estimate the total incremental increase in sales and use receipts and excise tax receipts in the designated area that will be directly attributable to the event;

c. attendance and spending data for the event and all activities related to or associated with the event, including:

- i. projected attendance figures;
- ii. a description of the methodology that will be used for determining the total actual attendance;
- iii. projected average spending per attendee;
- iv. other projected direct spending related to the event; and
- v. how the event will have a significant positive impact in the state.

d. a certification from the person(s) who prepared the economic, attendance, and spending studies, reports and data for the application, attesting to the accuracy of the information provided.

3. budget, revenue, and expenditure information, including but not limited to:

- a. the most current budget for the attracting and hosting of the event, which shall include:
  - i. the amount of the requested funding from the MEIP;
  - ii. line items for all projected expenses, noting those expenses that are eligible expenses under the MEIP and those the applicant proposes funding with the requested MEIP grant;
  - iii. line items for revenue, noting all revenue sources that are public entities;
  - iv. in-kind goods and services.

4. public value and positive impact;

a. In compliance Article VII, Section 14 of the Louisiana Constitution, the applicant shall include in its application a detailed proposal describing how the MEIP award for the event will support the statewide development and implementation of cultural, recreation, and/or tourism programs in Louisiana, specifically, the marketing of Louisiana as a tourism destination. This information will be included in the language of the grant agreement.

b. The applicant shall include proposed activities and budget for marketing Louisiana as a tourism destination, and the proposed activities must reflect a minimum value of the lesser of \$750,000 or 10 percent of the grant award.

c. The department explicitly recognizes the following non-exhaustive forms of marketing as acceptable, if provided by the grant recipient upon notification of the grant award and continued throughout the term of the grant agreement:

- i. a 30-second commercial spot leading up to and during the event, if broadcast;
- ii. an advertisement printed in all associated publicity of the event;
- iii. a recognition during broadcast interviews for the event;
- iv. a placement for the Louisiana Office of Tourism logo with click-through link to <https://www.ExploreLouisiana.com>, in materials or media promoting the event, such as:

- (a). home page of the applicant's website;

(b). home pages of the official event website;

(c). print, tv, or social media ad(s) marketing the event;

(d). email correspondence to target audiences for the event; and

(e). billboards promoting the event;

vi. a set of passes to the event.

5. Information and documentation necessary to draft the grant agreement, including but not limited to:

a. name and title of the official authorized to execute the grant agreement;

b. federal and state tax identification numbers; and

c. documentation the applicant is in good standing with the office of the secretary of state and has authority to enter into contracts with the state.

D. The department is not required to review or act on an application that does not contain all information and documentation contained in this Section.

E. The department may issue guidance to establish, interpret, or clarify requirements for participation in the MEIP, and compliance with any such guidance shall be required. Any such guidance shall be consistent with all applicable statutes and this Chapter.

F. If the department requires additional information from an applicant in order to review/approve the application, the applicant will be notified via email and must respond within 10 business days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§711. Application Deadline**

A. An application for grant funding through the MEIP must be submitted in accordance with the time frames established by law.

B. The department shall not consider an application to fund expenses already incurred by an applicant or for an event that has already occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

#### **§713. Award Amount**

A. The amount of any MEIP grant awarded by the department shall be based on the projected economic impact of the event in the state, the amount of the funding requested by the applicant, the total number and amount of MEIP funding requests from other applicants then under review, the availability of funding in the Major Events Incentive Fund, the value of the proposed marketing activities and other public benefits, the projected attendance at the event and related activities, the projected incremental increase to the state sales and use receipts and the excise tax receipts in the designated area for the event, and other relevant factors.

B. An applicant shall not receive multiple source funding for the same activity or component, or invoice more than one grant or contract for the same activity or component of a qualifying event contained in the funding application.

C. An applicant may not receive funding for the same qualifying event from both the MEIP and any other program funding administered by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

**§715. Grant Agreement**

A. Not later than the 30th day after the date the department notifies the applicant it has been awarded a grant through the MEIP, the department and applicant shall execute an agreement that provides for a financial commitment to the entity and all terms and conditions relevant thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

**§717. Post-Event Reporting**

A. Within the time provided by written agreement with each MEIP grant recipient, the grantee shall submit an economic impact data and attendance report of all collected and available economic impact data, including but not limited to the incremental increase in sales and use receipts and excise tax receipts if available, and the actual attendance at all event activities with any available geographic data and overnight accommodations data, plus a description of the methodology by which such figures were obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

**§719. Review**

A. The department shall determine, based on the reported information and the exercise of reasonable judgment, the incremental increase in sales and use receipts and excise tax receipts directly attributable to the event. If the actual incremental increase in sales and use receipts and excise tax receipts is less than the projected incremental increase in such receipts, final disbursement of grant funding may be denied or reduced, or the department may consider the shortfall in an applicant's future funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

**§721. Recapture**

A. Any funds found not to be properly spent in accordance with R.S. 51:1260, this Chapter, the terms of the grant agreement or regulations of the funding source may be subject to recapture and shall be considered in the department's evaluation of any application for funding submitted by the grantee to the department in the future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1260.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 50:

Jeff Harlan  
Deputy Assistant Secretary

2404#009

**DECLARATION OF EMERGENCY**

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

Opening of Shrimp Season in a  
Portion of State Outside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that small white shrimp, which have over-wintered in state outside waters from January through the present time, have reached marketable sizes and the closure is no longer necessary. Significant numbers of smaller size white shrimp still remain in the western portion of the Vermilion outside waters to the western shore of Freshwater Bayou Canal and these waters will remain closed to shrimping until further notice. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962, the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on August 3, 2023 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary does hereby declare:

The portion of state outside waters between Calliou Boca and Mound Point on Marsh Island shall reopen to shrimping at 6:00 p.m. on April 4, 2024. The eastern boundary line originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46.00 seconds north latitude, -90 degrees 50 minutes 27.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 28 degrees 59 minutes 30.00 seconds north latitude, -90 degrees 51 minutes 57.00 seconds west longitude. The western boundary line originates on the inside/outside line at the southernmost point of Mound Point on Marsh Island at 29 degrees 28 minutes 28.30 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 22 minutes 01.67 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude.

Madison D. Sheahan  
Secretary

2404#016

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Reopening of the 2023/2024 Oyster Season in the Sister Lake Public Oyster Seed Reservation to the Harvest of Market Size Oysters

In accordance with the emergency provisions of Revised Statutes (R.S.) 49:962, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 7, 2023, which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action to reopen public oyster seed grounds or reservations if sufficient quantities of oysters are available and to adjust sack limits, notice is hereby given that the secretary of the Department of Wildlife and Fisheries declares the Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, shall reopen to the harvest of market oyster only at one-half hour before sunrise on Friday, March 22, 2024 and close at one-half hour after sunset on Thursday, March 28, 2024, with the following conditions:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed reservations described above shall be limited to a daily take not to exceed 30 whole sacks of oysters per vessel. A sack of oysters for the purposes of this Declaration of Emergency shall be the size of a standard Louisiana measure described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures.

2. This opening is limited to harvesting only market oysters for direct sale (sacking).

3. If any person on a vessel takes or attempts to take oysters from the public oyster reservation described above, all oysters contained on that vessel will be deemed to have

been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

4. All oysters harvested from public areas, seed grounds or reservations for the purpose of market shall be uncontaminated, sealed and not gaping as described in R.S. 56:433.

5. All oysters harvested from public areas, seed grounds or reservations for the purpose of direct sale shall measure a minimum of 3 inches from hinge to bill as described in R.S. 56:433.

6. Market oysters harvested from any public oyster area, seed ground or reservation must be sacked, the number of sacks recorded in a log book, and each sack properly tagged prior to leaving said public oyster area, seed ground, or reservation.

7. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise must have all oyster scrapers unshackled.

8. Every vessel harvesting oysters from the Public Oyster Areas for oyster resource shall report harvest information to the department before 9 p.m. each day fished. Vessels shall provide the following information: Captain's name, date of harvest, oyster harvester number, vessel number, the total number of sacks harvested that day, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic Reporting will be allowed and shall be performed in a manner prescribed by the department. Daily harvest reporting is also available by calling 1-800-442-2511. This reporting does not substitute for trip ticket reporting as required by law.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Department of Health for public health concerns.

Madison D. Sheahan  
Secretary

2404#002



# Rules

## RULE

### Department of Agriculture and Forestry Office of Agro-Consumer Services Division of Weights and Measures

#### Registration Requirements and Fees for Electric Vehicle Supply Equipment (LAC 7:XXXV.103, 125 and 127)

Editor's Note: This Rule is being repromulgated to correct a citation error. The original Rule may be viewed in its entirety on pages 350-351 of the March 20, 2024 *Louisiana Register*.

The Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division adopts additions to LAC 7:XXXV.103, 125 and 127 in Chapter 7 as authorized by R.S.3:4608 to establish the fee schedule and registration requirements for commercial electric vehicle (EV) charging devices. The Rule changes were made pursuant to ACT 293 in the 2023 Regular Session, which provides for the regulation of fueling stations for electric vehicles. This Rule was promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

R.S. 3:4622(A) establishes that Electric Vehicle Supply Equipment (EVSE) shall be registered with the department and R.S. 3:4622(B)(4) establishes that the commissioner may establish a fee schedule for registering commercial weighing and measuring devices. The Rule changes to LAC 7:XXXV, Sections 103, 125, and 127 established the fee schedule and registration requirements for commercial electric vehicle (EV) charging devices. This Rule is hereby adopted on the day of promulgation.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part XXXV. Agro-Consumer Services

#### Chapter 1. Weights and Measures

#### §125. Weights and Measures Fee Structure

A. - I. ...

\* \* \*

J. The annual fee for registration of electric vehicle charging devices will be \$100 per charging point.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 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 30:1142 (June 2004), LR 42:218 (February 2016), LR 42:1649 (October 2016), LR 47:852 (July 2021), LR 47:1840 (December 2021), LR 50:350 (March 2024), repromulgated LR 50:478 (April 2024).

Mike Strain, DVM  
Commissioner

2404#019

## RULE

### Department of Culture, Recreation and Tourism Office of State Parks

#### Advertising on State Parks and Historic Sites and Sponsorship of Agency Assets (LAC 25:IX.601)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 44:718(D) that the Department of Culture, Recreation and Tourism, Office of State Parks (DCRT-OSP) adopts LAC 25: Part IX, Office of State Parks, Chapter 6, Section 601.

DCRT-OSP is adopting rules to comply with Act 117 of the 2023 Regular Legislative Session which authorizes the secretary of the department to enter into sponsorship agreement and allow placement of advertising and sponsorship signs on department property. This Rule is hereby adopted on the day of promulgation.

#### Title 25

### CULTURAL RESOURCES

#### Part IX. Office of State Parks

#### Chapter 6. Advertising on State Parks and Historic Sites and Sponsorship of Agency Assets

#### §601. Procedures and Guidelines

A. The purpose of the section is to establish a policy to allow limited types of advertising and sponsorship on assets owned or controlled by OSP to raise revenue for increased self-sufficiency and for the implementation of new opportunities and amenities for the public's benefit.

1. The agency recognizes that entering into a sponsorship agreement with an external entity does not constitute an endorsement of the entity or its services and products but does imply an affiliation. Such affiliation can affect the reputation of the state among its citizens and its ability to govern effectively. Therefore, any proposal for sponsorship of a state program or service in which the involvement of an outside entity compromises the public's perception of the state's neutrality or its ability to act in the public interest will be rejected.

B. The agency may issue solicitations or notices to secure contracts to determine the market potential for advertisements or sponsorships or to place advertisements or sponsorship signs on agency assets.

1. The responses will be reviewed by a committee appointed by the assistant secretary, and the most suitable proposals, as determined by the committee, may be selected.

2. The committee has the discretion to make reasonable recommendations to the assistant secretary concerning the types of advertising or sponsorship that may be displayed utilizing the criteria established herein.

3. The assistant secretary shall have final discretion regarding which proposals are selected. Selections shall be made for those advertisements or sponsorships that do not impact or infringe upon the image or reputation of the agency.

4. The agency may limit the number and type of assets available for advertising or sponsorship signs.

5. The agency may limit the authorization to advertise or to place sponsorship signs among the agency's divisions, sections, programs and initiatives.

6. The agency may limit the terms and conditions of the contract with an advertiser or sponsor.

C. The agency shall consider the following criteria before entering into a sponsorship agreement:

1. Whether the sponsorship is consistent with the goals, objectives, and mission of the agency and the current priorities that support these goals, objectives, and mission; and:

a. the importance of the sponsorship to the mission of the agency;

b. the extent and prominence of the public display of sponsorship;

c. aesthetic characteristics of the public display of sponsorship;

d. the cooperation necessary from the agency to implement the sponsorship;

e. any inconsistencies between the agency's policies and the known policies of the potential sponsor; and

f. other factors that might undermine public confidence in the agency's impartiality or interfere with the efficient delivery of agency services or operations, including, but not limited to, current or potential conflicts of interest, or perception of a conflict of interest, between the sponsor and agency employees, officials, or affiliates; and the potential for the sponsorship to tarnish the state's standing among its citizens or otherwise impair the ability of the state to govern its citizens.

2. The amount of the approved financial or in-kind support is at the discretion of the agency.

3. Sponsorship agreements shall include a termination clause giving the agency the right to end such agreement at any time based on any of the following:

a. safety concerns;

b. a determination that the sponsorship agreement or acknowledgement is not in the public interest;

c. for the convenience of the agency.

D. The advertisement or sponsorship content shall only include content that promotes or informs a commercial transaction. Only commercial advertising or sponsorships that are tasteful, visually appealing with inoffensive content will be accepted.

1. No content promoting illegal activity or obscene, vulgar or offensive conduct shall be allowed.

2. No political advertising shall be allowed.

3. No content that demeans or disparages individuals or groups shall be allowed.

4. No advertising or sponsorship signs of adult-oriented products shall be allowed.

5. The advertising or sponsorship should not be so controversial that it can promote vandalism of advertising or sponsorship materials and associated agency property.

E. Advertising or sponsorship signs may be placed on immovable property, improvements on immovable property, vehicles, watercraft, and other assets of the agency, including but not limited to websites, social media platforms, pamphlets, brochures and other outreach, communications, and educational materials.

1. The agency will maintain full ownership of any sponsored product, event, and asset.

2. The agency shall maintain all authorship rights to publications.

3. The sponsoring organization is not permitted to charge fees for state owned products, events, or access to state property.

4. The sponsoring organization is not permitted to alter publications or other property without the written permission of the agency.

F. Advertising or sponsorship signs shall not be placed in a manner that could interfere or confuse the identification of the agency's ownership or control of the asset.

1. Specification regarding the size, types, duration, and placement of advertisements and sponsorship signs will be negotiated and finally approved by the assistant secretary conforming with the mission of the agency.

2. On vehicles, watercrafts, and other assets of the agency traditionally utilized in the transport of personnel or equipment, advertising or sponsorship signs may be placed on the inside or the outside of the equipment. However, the display shall not be placed in such a manner that impedes the asset's safe utilization or operation.

a. Advertising or sponsorship signs shall not be allowed on vehicles, watercrafts and other assets traditionally utilized in the transport of personnel and equipment that are under the control or operation of OSP law enforcement positions.

3. The advertiser or sponsor will be required by the agency to submit and maintain detailed plans and provisions for any advertising or sponsorship signs that require a power source, such as electronics or LED lighting.

a. The use of powered advertising or sponsorship devices shall not have any adverse effect on the safety and functionality of the asset. If the safety and functionality of the asset is compromised after installation, the signs shall be removed.

G. OSP shall prepare and submit timely reports in accordance with R.S. 36:204(B)(11)(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204 (B)(11).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 50:478 (April 2024).

Brandon Burris  
Assistant Secretary

2404#004

## RULE

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Financial Literacy  
(LAC 28: CXV.2318, 2319, 2345 and LXXIX.2109, 2317)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28: LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions were made in accordance with Act 267 of the 2023 Regular Legislative Session regarding required completion of high school financial literacy coursework in order to graduate with a TOPS University Diploma. Additionally, the revisions establish financial literacy as a required mathematics course for the career diploma. Finally, the revisions update foreign language course offerings. This Rule is hereby adopted on the day of promulgation.

#### Title 28 EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 23. Curriculum and Instruction §2318. The TOPS University Diploma

A. - B. ...

1. For incoming freshmen in the 2014-2015 through 2023-2024 school years who are completing the TOPS university diploma, the minimum course requirements will be the following:

a. - j. ...

2. For incoming freshmen in the 2024-2025 school year and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

a. English—four units.

i. One unit chosen from the following:

- (a) English I;
- (b) English language (part 1): Cambridge IGCSE; or
- (c) English literature (part 1): Cambridge IGCSE.

ii. One unit chosen from the following:

- (a) English II;
- (b) English language (part 2): Cambridge IGCSE; or
- (c) English literature (part 2): Cambridge IGCSE.

iii. One unit chosen from the following

- (a) English III;
- (b) AP English language arts and composition;
- (c) IB literature;
- (d) IB language and literature;
- (e) IB literature and performance;
- (f) English language (part 1): Cambridge AICE—AS (honors); or

(g) literature in English (part 1): Cambridge AICE—AS (honors).

iv. One unit chosen from the following:

- (a) English IV;
- (b) AP English literature and composition;
- (c) IB literature;
- (d) IB language and literature;
- (e) IB literature and performance;
- (f) English language (part 2): Cambridge AICE—AS (honors); or
- (g) literature in English (part 2): Cambridge AICE—AS (honors).

v. If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.

b. Mathematics—four units.

- i. Algebra I;
- ii. geometry; and
- iii. Algebra II.
- iv. Integrated mathematics I, II, and III, including the Cambridge IGCSE integrated mathematics sequence, may be substituted for the Algebra I, geometry, and Algebra II sequence.

v. One unit chosen from the following:

- (a) Algebra III;
- (b) advanced math—functions and statistics;
- (c) advanced math—pre-calculus;
- (d) pre-calculus;
- (e) IB math studies (math methods);
- (f) calculus;
- (g) AP calculus AB;
- (h) IB mathematics SL;
- (i) AP calculus BC;
- (j) AP statistics;
- (k) IB further mathematics HL;
- (l) IB mathematics HL;
- (m) probability and statistics;
- (n) AP computer science A;
- (o) statistical reasoning;
- (p) additional math—Cambridge IGCSE;
- (q) Math 1 (probability and statistics): Cambridge AICE (honors);
- (r) Math 1 (pure math): Cambridge AICE—AS (honors);
- (s) Math 2 (part 1): Cambridge AICE—A level (honors); or
- (t) Math 2 (part 2): Cambridge AICE—A level (honors).

c. Science—four units.

- i. Biology I; and
- ii. Chemistry I.
- iii. Two units chosen from the following:
  - (a) Earth science;
  - (b) one of:
    - (i) environmental science; or
    - (ii) environmental awareness;
  - (c) one of:
    - (i) physical science;
    - (ii) principles of engineering;
    - (iii) PLTW principles of engineering; or

- (iv). principles of engineering (LSU partnership);
- (d). Agriscience II—the elective course Agriscience I is a pre-requisite;
- (e). one of:
  - (i). Chemistry II;
  - (ii). AP chemistry;
  - (iii). IB Chemistry I;
  - (iv). IB Chemistry II; or
  - (v). Chemistry II: Cambridge AICE—AS (honors);
- (f). one of:
  - (i). AP environmental science; or
  - (ii). IB environmental systems;
- (g). one of:
  - (i). Physics I;
  - (ii). IB Physics I;
  - (iii). AP Physics I; or
  - (iv). Physics I: Cambridge IGCSE;
- (h). one of:
  - (i). AP Physics C: electricity and magnetism;
  - (ii). AP Physics C: mechanics;
  - (iii). IB Physics II;
  - (iv). AP Physics II; or
  - (v). Physics II: Cambridge AICE—AS (honors);
- (i). one of:
  - (i). Biology II;
  - (ii). AP biology;
  - (iii). IB Biology I;
  - (iv). IB Biology II;
  - (v). Biology II: Cambridge AICE—AS (honors); or
  - (vi). human anatomy and physiology.
- d. Social Studies—four units.
  - i. One unit chosen from the following:
    - (a). U.S. history;
    - (b). AP U.S. history; or
    - (c). IB history of the Americas I.
  - ii. One unit chosen from the following:
    - (a). civics with a section on free enterprise;
    - (b). government;
    - (c). AP U.S. government and politics: comparative; or
    - (d). AP U.S. government and politics: United States
  - iii. Two units chosen from the following:
    - (a). one of:
      - (i). European history;
      - (ii). AP European history;
      - (iii). western civilization; or
      - (iv). history (European): Cambridge AICE—AS (honors);
    - (b). one of:
      - (i). world geography;
      - (ii). AP human geography;
      - (iii). IB geography;
      - (iv). physical geography; or
      - (v). geography: Cambridge AICE—AS (honors);

- (c). one of:
  - (i). world history;
  - (ii). AP world history;
  - (iii). IB History of the Americas II; or
  - (iv). history (international): Cambridge AICE—AS (honors);
- (d). one of:
  - (i). IB economics;
  - (ii). economics;
  - (iii). AP macroeconomics;
  - (iv). AP microeconomics; or
  - (v). economics: Cambridge AICE—AS (honors);
- (e). AP psychology;
- (f). history of religion;
- (g). African American history; or
- (h). Dual Enrollment Psychology.
- e. Art—one unit chosen from the following:
  - i. art (§2333);
  - ii. music (§2355);
  - iii. dance (§2337);
  - iv. theater (§2369);
  - v. Speech III and IV—one unit combined;
  - vi. fine arts survey;
  - vii. drafting;
  - viii. media arts (§2354);
  - ix. Photography I/II;
  - x. digital photography; or
  - xi. digital design (§2338).
- f. Physical Education—1 1/2 units chosen from the following:
  - i. Physical Education I and II;
  - ii. Adapted Physical Education I and II for eligible special education students;
  - iii. JROTC I, II, III, or IV; or
  - iv. Physical Education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheerleading, or dance team.
- g. Health Education—1/2 unit.
  - i. JROTC I and II may be substituted for 1/2 unit of health education (§2347).
  - h. Foreign Language—two units chosen from the same language (§2345).
  - i. Financial Literacy—one unit.
  - j. Electives—two units.
  - k. Total—24 units.

C. - C.3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August

2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), LR 48:2098 (August 2022), LR 48:2560 (October 2022), LR 49:642 (April 2023), LR 49:862 (May 2023), LR 50:480 (April 2024).

### §2319. The Career Diploma

A. - C.1.h. ...

2. The minimum course requirements for a career diploma for incoming freshmen in 2023-2024 shall be the following:

a. - h. ...

3. The minimum course requirements for a career diploma for incoming freshmen in 2024-2025 and beyond shall be the following:

a. English—4 units.

i. One unit chosen from the following:

- (a). English I;
- (b). English language part 1: Cambridge IGCSE;

or

(c). English literature part 1: Cambridge IGCSE.

ii. One unit chosen from the following:

- (a). English II;
- (b). English language part 2: Cambridge IGCSE;

or

(c). English literature part 2: Cambridge IGCSE.

iii. Two units chosen from the following:

- (a). technical writing;
- (b). business English;
- (c). English III;
- (d). English language part 1: Cambridge

AICE—AS (honors);

(e). literature in English part 1: Cambridge AICE—AS (honors);

(f). English IV;

(g). any AP or IB English course;

(h). English language part 2: Cambridge AICE—AS (honors);

(i). literature in English part 2: Cambridge AICE—AS (honors); or

(j). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE.

b. Mathematics—4 units.

i. Algebra I, Applied Algebra I, or Algebra I-Pt. 2 (the elective course Algebra I-Pt. 1 is a pre-requisite);

ii. geometry or applied geometry; and

iii. financial literacy.

iv. One unit chosen from the following:

- (a). math essentials;
- (b). Algebra II;
- (c). advanced math-functions and statistics;
- (d). advanced math pre-calculus;
- (e). Algebra III;
- (f). pre-calculus;
- (g). business math;
- (h). probability and statistics;

(i). statistical reasoning;

(j). transition to college mathematics;

(k). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(l). additional math—Cambridge IGCSE; or

(m). Math 1 (pure math): Cambridge AICE—AS (honors).

v. Integrated Mathematics I, II, and III may be substituted for Algebra I, geometry, and Algebra II and shall count as three math credits.

c. Science—2 units.

i. biology; and

ii. One unit chosen from the following:

(a). Chemistry I;

(b). physical science;

(c). earth science;

(d). Agriscience II—the elective course Agriscience I is a pre-requisite;

(e). environmental science;

(f). principles of engineering;

(g). any AP or IB science course PLTW principles of engineering;

(h). principles of engineering (LSU partnership);

(i). any AP or IB science course;

(j). Physics I: Cambridge IGCSE;

(k). Biology II: Cambridge AICE—AS (honors);

(l). Chemistry II: AICE—AS (honors); or

(m). Physics II: Cambridge AICE—AS (honors).

d. Social Studies—2 units.

i. One unit chosen from the following:

(a). U.S. history;

(b). AP U.S. history; or

(c). IB history of the Americas I.

ii. One unit chosen from the following:

(a). civics;

(b). government;

(c). AP U.S. government and politics: comparative; or

(d). AP U.S. government and politics: United States.

e. Physical Education—1 1/2 units chosen from the following:

i. Physical Education I and II;

ii. Adapted Physical Education I and II for eligible special education students;

iii. JROTC I, II, III, and IV; or

iv. Physical Education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheerleading, or dance team.

f. Health Education—1/2 unit.

i. JROTC I and II may be substituted for 1/2 unit of health education (§2347).

g. Jump Start course sequence, workplace experiences, and credentials—minimum of nine credits.

i. Jump Start 1.0 course sequences will be available for incoming freshmen through 2020-2021; and

ii. Jump Start 2.0 course sequences will be available for incoming freshmen beginning in 2020-2021 and beyond;

h. total—23 units.

4. Repealed.

D. Courses developed by LEAs and submitted to BESE for approval as substitutes for core course requirements must meet state content standards for the subject area at the ninth grade level or higher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:252 (February 2023), LR 49:643 (April 2023), repromulgated LR 49:858 (May 2023), LR 50:482 (April 2024).

**§2345. Foreign Languages**

A. The foreign language course offerings shall be as follows.

Course Titles(s)	Units
* * *	
Indigenous Languages I, II	1 each
Portuguese I, II, III, and IV	1 each
Vietnamese I,II,III, and IV	1 each
Hindi I,II,III, and IV	1 each

B. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 273, and R.S. 17:284.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 36:1996 (September 2010), LR 38:759 (March 2012), LR 38:2364 (September 2012), LR 39:2220 (August 2013), LR 40:998 (May 2014), LR 40:2527 (December 2014), LR 43:2133 (November 2017), LR 43:2484 (December 2017), LR 45:1455 (October 2019), LR 49:643 (April 2023), LR 49:1374 (August 2023), LR 50:483 (April 2024).

**Part LXXIX. Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Chapter 21. Curriculum and Instruction §2109. High School Graduation Requirements**

A. ...

B. For incoming freshmen in the 2014-2015 through 2023-2024 school years who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. - 10. ...

C. For incoming freshmen in the 2014-2015 through 2022-2023 school years who are completing the career diploma, the minimum course requirements will be the following:

1. Repealed.

a. - g. ...

D. For incoming freshmen in the 2023-2024 school year who are completing the career diploma, the minimum course requirements will be the following:

1. English—four units.

a. One unit chosen from the following:

- i. English I;
- ii. English language (part 1): Cambridge IGCSE;

or

iii. English literature (part 1): Cambridge IGCSE.

b. One unit chosen from the following:

- i. English II;
- ii. English language (part 2): Cambridge IGCSE;

or

iii. English literature (part 2): Cambridge IGCSE.

c. Two units chosen from the following:

- i. technical reading and writing;
- ii. business English;
- iii. English III;
- iv. English language (part 1): Cambridge AICE—AS (honors);
- v. literature in English (part 1): Cambridge AICE—AS (honors);
- vi. English IV;
- vii. English language (part 2): Cambridge AICE—AS (honors);
- viii. literature in English (part 1): Cambridge AICE—AS (honors);
- ix. any AP or IB English course; or
- x. comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by BESE.

2. Mathematics—four units.

a. Algebra I, Applied Algebra I, or Algebra I-Pt. 2 (the elective course Algebra I-Pt. 1 is a pre-requisite); and

b. geometry or applied geometry

c. Two units chosen from the following:

- i. technical math;
- ii. medical math;
- iii. applications in statistics and probability;
- iv. math essentials;
- v. Algebra II;
- vi. advanced math—pre-calculus;
- vii. discrete mathematics;
- viii. probability and statistics;
- ix. additional math—Cambridge IGCSE;
- x. Math 1 (pure math): Cambridge AICE—AS (honors);
- xi. financial literacy; or
- xii. comparable Louisiana Technical College courses offered by Jump Start regional teams, as approved by BESE.
- xiii. Integrated Mathematics I, II, and III may be substituted for Algebra I, geometry, and Algebra II and will count as three math credits.

3. Science—two units.

a. Biology.

b. One unit chosen from the following:

- i. physical science;
- ii. integrated science;
- iii. Chemistry I;
- iv. ChemCom;

- v. Physics I;
  - vi. Physics I: Cambridge IGCSE; or
  - vii. Physics of Technology I.
- c. One unit chosen from the following:
- i. food science;
  - ii. forensic science;
  - iii. allied health science;
  - iv. basic body structure and function;
  - v. basic physics with applications;
  - vi. aerospace science;
  - vii. earth science;
  - viii. Agriscience II;
  - ix. Physics of Technology II;
  - x. environmental science;
  - xi. anatomy and physiology;
  - xii. animal science;
  - xiii. biotechnology in agriculture;
  - xiv. environmental studies in agriculture;
  - xv. Health Science II;
  - xvi. EMT—basic;
  - xvii. Biology II: Cambridge AICE—AS (honors);
  - xviii. Chemistry II: AICE—AS (honors);
  - xix. Physics II: Cambridge AICE—AS (honors);
  - xx. principles of engineering;
  - xxi. PLTW principles of engineering;
  - xxii. (LSU partnership) principles of engineering;
  - xxiii. an additional course from the physical science cluster;
- or
- xxiv. course(s) developed by the LEA and approved by BESE.
- d. Students may not take both integrated science and physical science.
- e. Agriscience I is a prerequisite for Agriscience II and is an elective course.
4. Social Studies—two units.
- a. One unit chosen from the following:
    - i. U.S. history;
    - ii. AP U.S. history; or
    - iii. IB history of the Americas I.
  - b. Civics; or
    - i. 1/2 unit of:
      - (a). government;
      - (b). AP U.S. government and politics: comparative; or
      - (c). AP U.S. government and politics: US; and
    - ii. 1/2 unit of:
      - (a). economics;
      - (b). AP macroeconomics; or
      - (c). AP microeconomics.
5. Physical Education—1 1/2 units chosen from the following:
- a. Physical Education I and II;
  - b. Adapted Physical Education I and II for eligible special education students;
  - c. JROTC I, II, III, and IV; or
  - d. Physical Education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheerleading, or dance team.
6. Health Education—1/2 unit.
- a. JROTC I and II may be substituted for 1/2 unit of health education

- 7. A minimum of nine credits in an approved Jump Start course sequence, workplace experience, or credentials.
  - 8. Total—23 units.
- E. For incoming freshmen in the 2024-2025 school year and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:
- 1. English—four units.
    - a. One unit chosen from the following:
      - i. English I;
      - ii. English language (part 1): Cambridge IGCSE;
- or
- iii. English literature (part 1): Cambridge IGCSE.
  - b. One unit chosen from the following:
    - i. English II;
    - ii. English language (part 2): Cambridge IGCSE;
- or
- iii. English literature (part 2): Cambridge IGCSE.
  - c. One unit chosen from the following:
    - i. English III;
    - ii. AP English language arts and composition;
    - iii. IB literature;
    - iv. IB language and literature;
    - v. IB literature and performance;
    - vi. English language (part 1): Cambridge AICE—AS (honors); or
    - vii. literature in English (part 1): Cambridge AICE—AS (honors).
    - viii. If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.
  - d. One unit chosen from the following:
    - i. English IV;
    - ii. AP English literature and composition;
    - iii. IB literature;
    - iv. IB language and literature;
    - v. IB literature and performance;
    - vi. English language (part 2): Cambridge AICE—AS (honors); or
    - vii. literature in English (part 2): Cambridge AICE—AS (honors).
    - viii. If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.
2. Mathematics—four units.
- a. Algebra I;
  - b. geometry; and
  - c. Algebra II.
  - d. One unit chosen from the following:
    - i. Algebra III;
    - ii. advanced math—functions and statistics;
    - iii. advanced math—pre-calculus;
    - iv. pre-calculus;
    - v. IB math studies (math methods);
    - vi. calculus;
    - vii. AP calculus AB;
    - viii. IB mathematics SL;
    - ix. AP calculus BC;
    - x. AP statistics;
    - xi. IB further mathematics HL;
    - xii. IB mathematics HL;

- xiii. probability and statistics;
  - xiv. AP computer science A;
  - xv. additional math: Cambridge IGCSE;
  - xvi. Math 1 (probability and statistics): Cambridge AICE (honors);
  - xvii. Math 1 (pure math): Cambridge AICE—AS (honors);
  - xviii. Math 2 (part 1): Cambridge AICE—A level (honors); or
  - xix. Math 2 (part 2): Cambridge AICE—A level (honors).
- e. Integrated Mathematics I, II, and III may be substituted for the Algebra I, geometry, and Algebra II sequence.

3. Science—four units.

- a. Biology I; and
  - b. Chemistry I.
  - c. Two units chosen from the following:
    - i. earth science;
    - ii. one of:
      - (a). environmental science; or
      - (b). environmental awareness;
    - iii. one of:
      - (a). physical science;
      - (b). principles of engineering; or
      - (c). PLTW principles of engineering;
    - iv. Agriscience II—the elective course Agriscience I is a pre-requisite;
    - v. one of:
      - (a). Chemistry II;
      - (b). AP chemistry;
      - (c). IB Chemistry I;
      - (d). IB Chemistry II; or
      - (e). Chemistry II: Cambridge AICE—AS (honors);
    - vi. one of:
      - (a). AP environmental science; or
      - (b). IB environmental systems;
    - vii. one of:
      - (a). Physics I;
      - (b). IB Physics I;
      - (c). AP Physics I;
      - (d). Physics I: Cambridge IGCSE; or
      - (e). Physics II: Cambridge AICE—AS (honors);
    - viii. one of:
      - (a). AP physics C: electricity and magnetism;
      - (b). AP physics C: mechanics;
      - (c). IB Physics II; or
      - (d). AP Physics II;
    - ix. one of:
      - (a). Biology II;
      - (b). AP biology;
      - (c). IB Biology I;
      - (d). IB Biology II;
      - (e). Biology II: Cambridge AICE—AS (honors);
- or
- (f). human anatomy and physiology.

4. Social Studies—four units.

- a. One unit chosen from the following:
  - i. U.S. history;
  - ii. AP U.S. history; or
  - iii. IB History of the Americas I.

- b. One unit chosen from the following:
  - i. civics with a section on free enterprise;
  - ii. government;
  - iii. AP U.S. government and politics: comparative;

or

- iv. AP U.S. government and politics: United States.

c. Two units chosen from the following:

- i. one of:
  - (a). European history;
  - (b). AP European history;
  - (c). western civilization; or
  - (d). history (European): Cambridge AICE—AS (honors);
- ii. one of:
  - (a). world geography;
  - (b). AP human geography;
  - (c). IB geography;
  - (d). physical geography; or
  - (e). geography: Cambridge AICE—AS (honors);
- iii. one of:
  - (a). world history;
  - (b). AP world history;
  - (c). IB history of the Americas II; or
  - (d). history (international): Cambridge AICE—AS (honors);
- iv. IB economics;
- v. economics;
- vi. AP macroeconomics;
- vii. AP microeconomics;
- viii. economics: Cambridge AICE—AS (honors);
- ix. history of religion;
- x. AP psychology;
- xi. African American history; or
- xii. dual enrollment psychology.

5. Foreign Language—two units from the same language (§2317).

6. Art—one unit chosen from the following:

- a. art (§2305);
- b. music (§2325);
- c. dance (§2309);
- d. theater (§2337);
- e. Speech III and IV—one unit combined;
- f. fine arts survey;
- g. drafting;
- h. media arts (§2324);
- i. Photography I and II; or
- j. digital photography.

7. Physical Education—1 1/2 units chosen from the following:

- a. Physical Education I and II;
- b. Adapted Physical Education I and II for eligible special education students;
- c. JROTC I, II, III, and IV; or
- d. Physical Education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheerleading, or dance team.

8. Health Education—1/2 unit.

- a. JROTC I and II may be substituted for 1/2 unit of health education.

9. Financial Literacy—one unit.

10. Electives—two units.



11. Total—24 units.  
F. For incoming freshmen in 2024-2025 and beyond who are completing a career diploma, the minimum course requirements will be the following:

1. English—four units.
  - a. One unit chosen from the following:
    - i. English I;
    - ii. English language (part 1): Cambridge IGCSE;
  - or
  - iii. English literature (part 1): Cambridge IGCSE.
  - b. One unit chosen from the following:
    - i. English II;
    - ii. English language (part 2): Cambridge IGCSE;
  - or
  - iii. English literature (part 2): Cambridge IGCSE.
  - c. Two units chosen from the following:
    - i. technical reading and writing;
    - ii. business English;
    - iii. English III;
    - iv. English language (part 1): Cambridge AICE—AS (honors);
    - v. literature in English (part 1): Cambridge AICE—AS (honors);
    - vi. English IV;
    - vii. English language (part 2): Cambridge AICE—AS (honors);
    - viii. literature in English (part 1): Cambridge AICE—AS (honors);
    - ix. any AP or IB English course; or
    - x. comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by BESE.

2. Mathematics—four units.
  - a. Algebra I, Applied Algebra I, or Algebra I-Pt. 2 (the elective course Algebra I-Pt. 1 is a pre-requisite);
  - b. geometry or applied geometry; and
  - c. financial literacy.
  - d. One unit chosen from the following:
    - i. technical math;
    - ii. medical math;
    - iii. applications in statistics and probability;
    - iv. math essentials;
    - v. Algebra II;
    - vi. advanced math—pre-calculus;
    - vii. discrete mathematics;
    - viii. probability and statistics;
    - ix. additional math—Cambridge IGCSE;
    - x. Math 1 (pure math): Cambridge AICE—AS (honors); or
    - xi. comparable Louisiana Technical College courses offered by Jump Start regional teams, as approved by BESE.
    - xii. Integrated Mathematics I, II, and III may be substituted for Algebra I, geometry, and Algebra II and will count as three math credits.

3. Science—two units.
  - a. Biology.
  - b. One unit chosen from the following:
    - i. physical science;
    - ii. integrated science;
    - iii. Chemistry I;
    - iv. ChemCom;

- v. Physics I;
- vi. Physics I: Cambridge IGCSE; or
- vii. Physics of Technology I.
- c. One unit chosen from the following:
  - i. food science;
  - ii. forensic science;
  - iii. allied health science;
  - iv. basic body structure and function;
  - v. basic physics with applications;
  - vi. aerospace science;
  - vii. earth science;
  - viii. Agriscience II;
  - ix. Physics of Technology II;
  - x. environmental science;
  - xi. anatomy and physiology;
  - xii. animal science;
  - xiii. biotechnology in agriculture;
  - xiv. environmental studies in agriculture;
  - xv. Health Science II;
  - xvi. EMT—basic;
  - xvii. Biology II: Cambridge AICE—AS (honors);
  - xviii. Chemistry II: AICE—AS (honors);
  - xix. Physics II: Cambridge AICE—AS (honors);
  - xx. principles of engineering;
  - xxi. PLTW principles of engineering;
  - xxii. (LSU partnership) principles of engineering;
  - xxiii. an additional course from the physical science cluster; or
  - xxiv. course(s) developed by the LEA and approved by BESE.

d. Students may not take both integrated science and physical science.  
e. Agriscience I is a prerequisite for Agriscience II and is an elective course.

4. Social Studies—two units.
  - a. One unit chosen from the following:
    - i. U.S. history;
    - ii. AP U.S. history; or
    - iii. IB history of the Americas I.
  - b. Civics; or
    - i. 1/2 unit of:
      - (a). government;
      - (b). AP U.S. government and politics: comparative; or
      - (c). AP U.S. government and politics: US; and
    - ii. 1/2 unit of:
      - (a). economics;
      - (b). AP macroeconomics; or
      - (c). AP microeconomics.

5. Physical Education—1 1/2 units chosen from the following:
  - a. Physical Education I and II;
  - b. Adapted Physical Education I and II for eligible special education students;
  - c. JROTC I, II, III, and IV; or
  - d. Physical Education I (1 unit) and 1/2 unit of marching band, extracurricular sports, cheerleading, or dance team.
6. Health Education—1/2 unit.
  - a. JROTC I and II may be substituted for 1/2 unit of health education.

7. A minimum of nine credits in an approved Jump Start course sequence, workplace experience, or credentials.

8. Total—23 units.

G. State Seal of Biliteracy

1. Schools are encouraged but not required to participate in the State Seal of Biliteracy program.

a. If a school opts to participate in the State Seal of Biliteracy program, its governing authority shall maintain appropriate records in order to identify students who have earned the seal and affix the seal to the transcript and diploma of each student who earns the seal.

2. The State Seal of Biliteracy certifies that a student meets all of the following criteria:

a. Completed all English language arts requirements for graduation;

b. Passed the reading and English parts of the ACT series with a score of 19 or above; and

c. Demonstrated proficiency in one or more languages other than English through one of the methods below.

i. Pass a world language advanced placement examination with a score of three or higher or a world language international baccalaureate examination with a score of four or higher. For languages in which an advanced placement test is not available, school systems may use an equivalent summative test as approved by the state superintendent of education.

ii. Successfully complete a four-year high school course of study in a world language or successfully complete seven Carnegie units or more in language or content courses in a world language immersion setting.

iii. Pass a foreign government approved language examination and receive a receipt of a certificate of competency from the authorizing government agency at:

(a). the European B2 level;

(b). American Council on the Teaching of Foreign Languages Advanced Low level; or

(c). equivalent measures.

3. If the primary language of a student in grades 9 through 12 is other than English, the student shall do both of the following to qualify for the State Seal of Biliteracy:

a. Attain the early advanced proficiency level on the BESE-approved assessment of English language proficiency administered to identify English Learner progress; and

b. Meet the requirements of Paragraph 2 of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:1456 (October 2019), LR 46:1084 (August 2020), amended LR 48:34 (January 2022), LR 48:2098 (August 2022), LR 49:642 (April 2023), LR 50:483 (April 2024).

## Chapter 23. High School Program of Studies

### §2317. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Titles(s)	Units
* * *	
Indigenous Languages I, II	1 each
Japanese I, II, III, and IV	1 each
Korean I, II, III, and IV	1 each
Portuguese I, II, III, and IV	1 each
Vietnamese I, II, III, and IV	1 each
Hindi I, II, III, and IV	1 each

B. - C.1. ...

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005), LR 38:770 (March 2012), LR 40:1685 (September 2014), LR 40:2538 (December 2014), LR 45:1458 (October 2019), LR 49:642 (April 2023), LR 49:1374 (August 2023), LR 50:487 (April 2024).

Shan N. Davis  
Executive Director

2404#021

### RULE

#### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Certification Requirements (LAC 28:CXXXI.331, 333, and 507)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. Act 347 of the 2023 Regular Legislative Session directed BESE to revise teacher certification requirements and the requirements of teacher education programs to require instruction on foundational numeracy skills standards for candidates seeking certification to teach. The revisions require that candidates in teacher certification programs participate in programs that provide instruction on foundational numeracy skills including, but not limited to, the following: effectively teach foundational mathematics skills explicitly and systematically; implement effective mathematics instruction using high-quality instructional materials; provide effective instruction and interventions for students who have difficulty with mathematics; and understand and use student data to make instructional decisions. This Rule is hereby adopted on the day of promulgation.

### Title 28

### EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

#### Chapter 3. Initial Teacher Certification

#### Subchapter F. Mathematics Teacher Competencies

#### §331. Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the

teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, assess, and monitor student learning:

1. ...
2. builds foundational numeracy by providing precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms while blending concepts, procedures, strategies, problem-solving skills, and dispositions;
3. exhibits an integrated, functional grasp of foundational numeracy, mathematical concepts, and procedures along the grade K-12 mathematical progressions so that all students are prepared for success in Algebra I and beyond;
4. ...
5. models the mathematical dispositions and habits of mind described in the practice standards and integrated within high-quality instructional materials, including precision of language, logical thought, reflection, explanation, and justification;
6. recognizes vertical alignment in K-12 mathematical standards and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications;
7. builds positive math dispositions while portraying mathematics as sensible, useful, and worthwhile; and
8. teaches foundational mathematics skills, explicitly and systematically applying strategies to assess instructional effectiveness.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:7.2, and R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), LR 50:487 (April 2024).

### **§333. Content Pedagogy Competencies**

A. The teacher candidate builds and applies knowledge within grade coherence and vertical alignment of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and implement mathematically sound lesson sequences and units of study within high-quality materials that develop student foundational numeracy, conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems to prepare students for success in Algebra I and beyond.

1. The teacher candidate appropriately implements effective mathematics instruction using high-quality instructional materials through planning appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions or math difficulty which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate identifies and implements standards-based tasks within high-quality instructional

materials using varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate customizes lessons and practice sets within high-quality instructional materials that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate uses student data to identify appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

6. The teacher candidate provides effective interventions for all students by using an accelerated learning approach, connecting unfinished learning to new learning within grade-level content, and utilizing high-quality materials to provide just-in-time support, especially for students with difficulty in mathematics.

B. - C.1. ...

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through an initial difficulty;

C.3. - D. ...

1. The teacher candidate identifies student difficulties, errors, unfinished learning, and inconsistencies in student knowledge, skills, and mathematical reasoning to accelerate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real-life experiences;

b. - c. ...

2. The teacher candidate uses student data to address difficulty with mathematics and uses trends in assessment results to plan, instructional strategies, learning acceleration, and enrichment opportunities for students within adopted high-quality instructional units of study.

3. The teacher candidate effectively uses student data to make instructional decisions. Student data includes but is not limited to classroom observation of discussion, oral reasoning, work samples, formative assessment, and summative assessment.

4. The teacher candidate regularly monitors student performance and student understanding.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:7.2, and R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 48:427 (March 2022), repromulgated LR 48:1029 (April 2022), LR 50:488 (April 2024).

## **Chapter 5. Teaching Credentials, Licenses and Certifications**

### **Subchapter A. Standard Teaching Certificates**

#### **§507. Professional Level Certificates**

A. - B.11. ...

12. Beginning September 1, 2028, an applicant for initial certification must have earned coursework or equivalent contact hours in alignment with the adopted foundational numeracy competencies.

C. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, R.S. 17:7.2, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:488 (April 2024).

Shan N. Davis  
Executive Director

2404#022

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 1573—Complaint Management Procedures—  
Special Education Complaint Procedures  
(LAC 28:LXI.305, 501, 505, and 509)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXI in *Bulletin 1573—Complaint Management Procedures*. The revisions modify special education complaint management procedures to improve the process by which parent complaints regarding Louisiana students with disabilities who receive special education services are addressed. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part LXI. Bulletin 1573—Complaint Management  
Procedures**

**Chapter 3. General Provisions**

**§305. Filing a Complaint**

- A. ...
- B. Complaints may be filed in writing, by telephone call, by email, or in person.
- C. The complaint must include:
  1. a statement that a public agency has violated a requirement of Part B of the Act or of this Part; and
  2. the facts on which the statement is based.
- D. ...
- E. Complainants lacking federally required information will be contacted by LDOE dispute resolution staff to explain deficiencies with recommendations for appropriate action to be taken.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003), LR 50:489 (April 2024).

**Chapter 5. Complaint Intake and Investigative  
Procedures**

**§501. Filing Complaints**

- A. Complaints may be filed by parents, students, child advocates, surrogate parents, other individuals or

organizations. Complaints may be filed in writing, by telephone call, by email, or in person. A complaint must include not only a statement that a local educational agency (LEA) has violated a requirement of federal/state law or regulation but also the facts upon which the statement has been based.

B. Grievances that do not meet SDE complaint criteria are referred back to the complainant via attempted email or telephone call, with recommendations for appropriate action to be taken and resources available to assist the complainant with pursuit of further action.

C. Complainants lacking federally required information will be contacted by LDOE dispute resolution staff to explain deficiencies and offer instructions for making corrections.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024).

**§505. Complaint Intake Procedures Log (SCL)**

A. When a complaint is received and accepted by the SDE, the complaint is recorded in the SDE Complaint Log (SCL). SCL includes, but is not limited to, documenting the date received, name of the complainant, LEA, school, allegation type, and outcome.

B. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024).

**§509. Report of Finding**

A. - G. ...

H. The date of the complaint, name of the complainant, school involved, allegation type, and outcome will be recorded and shared with monitoring and program staff to inform quality assurance, monitoring, and improvement efforts.

I. Beginning in fall 2024, redacted information regarding the results of formal complaints will be posted to the LDOE website.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:489 (April 2024).

Shan N. Davis  
Executive Director

2404#023

**RULE**

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

Achieving a Better Life Experience (ABLE)  
(LAC 28:VI.507, 509, and 517)

The Tuition Trust Authority has amended its ABLE Program rules (R.S. 17:3091 et seq.). This Rule is hereby adopted on the day of promulgation. (ST24211R)

**Title 28  
EDUCATION**

**Part VI. Student Financial Assistance—Higher  
Education Savings**

**Chapter 5. Achieving a Better Life Experience  
(ABLE)**

**§507. Applicable Definitions**

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

\* \* \*

*Eligible Individual*—an individual is an eligible individual for a given tax year if one of the following is met:

a.i. through December 31, 2025, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

b.i. beginning January 1, 2026, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 46; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

\* \* \*

*Refund Recipient*—the person designated in the ABLE account program owner's agreement or by operation of law to receive refunds from the account. The designated refund recipient can only be the account owner, his heirs, or his estate. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with 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 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021), LR 50:490 (April 2024).

**§509. Establishment of an ABLE Account**

A. - G.4.c. ...

d. Only the account owner, his heirs, or his estate may be designated to receive refunds from the ABLE account. In the event of the death of the account owner when the account owner is designated to receive the refund or when no successor beneficiary is named, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

H. - I.4.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:640 (April 2017), amended LR 44:1888 (October 2018), amended LR 47:575 (May 2021), LR 50:490 (April 2024).

**§517. Termination, Refund, and Rollovers of an  
Education Savings Account**

A. - B.2. ...

C. Designation of a Refund Recipient. The refund recipient can only be the account owner, his heirs, or his estate, and the administrator may designate the refund recipient when completing the owner's agreement. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S. 28.826(B)(2)(d).

D. - G.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:642 (April 2017), amended LR 44:1888 (October 2018), amended LR 47:577 (May 2021), LR 50:490 (April 2024).

Robyn Rhea Lively  
Senior Attorney

2404#014

**RULE**

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

Advisory Board Bylaws  
(LAC 28:V.Chapters 1-2)

The Tuition Trust Authority has amended its rules pertaining to the ABLE Account Program (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). This Rule is hereby adopted on the day of promulgation. (AB24213R)

**Title 28**

**EDUCATION**

**Part V. Student Financial Assistance—Higher  
Education Advisory Boards**

**Chapter 1. Bylaws of the Achieving a Better Life  
Experience (ABLE) Account Advisory  
Council**

**Subchapter A. Purpose and Authority**

**§101. Purpose of the Advisory Council**

A. The purpose of the advisory council is to advise and consult with the Tuition Trust Authority through LOSFA relative to the Authority's administration of and adoption of rules pertaining to the ABLE Account Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:490 (April 2024).

**§103. Authority of the Advisory Council**

A. The advice and recommendations of the advisory council are only advisory in nature and are not binding upon the Tuition Trust Authority, its members, or its officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:490 (April 2024).

### **Subchapter B. Meetings**

#### **§111. Regular Meetings**

A. The advisory council shall hold regular meetings, but no more than 12 per year. All regular meetings shall be held at the meeting place designated by the executive director of the Office of Student Financial Assistance (OSFA). Proxy voting shall be permitted provided that the proxy holder is an officer or employee of the organization represented by the appointed member and that a proxy does not represent the appointed member at more than two of the meetings scheduled annually.

B. No more than one-third of the regularly scheduled meetings held during the year may be conducted by electronic means provided that all of the requirements of §135 are met. In no case shall successive meetings be conducted electronically.

C. All meetings must provide for electronic access to members of the public to allow those with disabilities recognized by the Americans with Disabilities Act and/or their caregivers to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:491 (April 2024).

#### **§113. Special Meetings**

A. Special meetings of the advisory council may be called by the executive director of the Office of Student Financial Assistance at any time, provided the purposes of the meeting are specified, the members notified at least three calendar days before the time of the meeting, and sufficient members to form a quorum confirm their planned attendance. All special meetings, unless conducted solely for the purpose of discussing items subject to executive session, shall provide a means by which members of the public may participate remotely in accordance with §135.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:491 (April 2024).

#### **§115. Compensation**

A. Members of the advisory council shall be reimbursed for their travel expenses incurred in attending meetings in accordance with applicable state travel regulations if the organization represented by the appointed member does not reimburse them for their expenses and if otherwise allowed by law. No other compensation is authorized. Members may decline reimbursement for expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:491 (April 2024).

#### **§117. Quorum**

A. Six voting members of the advisory council shall constitute a quorum for the transaction of business and a simple majority of the members present at any meeting voting for or against a particular item shall constitute the recommendation of the advisory council.

B. Notwithstanding anything in these rules to the contrary, a member of the Advisory Council who has a disability that is recognized by the Americans with Disabilities Act (ADA) shall be permitted to attend and participate electronically, and their presence shall be counted for the establishment of a quorum. In order to establish that the member has such a disability and should be permitted to attend electronically, the member shall provide a brief letter from a qualified health care provider to LOSFA's Senior Attorney for review and filing for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:491 (April 2024).

### **Subchapter C. Membership and Officers of the Advisory Council**

#### **§121. Membership**

A. The advisory council shall be composed of 11 voting members as follows:

1. the chair of the Louisiana Development Disabilities Council or his designee;
2. the executive director of the governor's office of disability affairs or his designee;
3. the executive director of the Arc of Louisiana or his designee;
4. the executive director of People First of Louisiana or his designee;
5. a person with a disability selected by the executive director of People First of Louisiana;
6. a parent or family member of a person with a disability selected by the chair of the Louisiana Developmental Disabilities Council;
7. one member who is affiliated with Louisiana Rehabilitation Services or the Disability Program Navigator Initiative or any successors of these, appointed by the secretary of the Louisiana Workforce Commission;
8. an officer of a bank in Louisiana who is a member of the Louisiana Bankers Association and who is nominated by the Association;
9. one member of the House of Representatives appointed by the Speaker;
10. one member of the Senate appointed by the President; and
11. the state treasurer.

#### **B. Term**

1. The term of voting members shall be for the time period for which the person who holds the respective office or as long as the member is not replaced by the respective organization that appointed him, as applicable.

2. Members may serve consecutive terms.

3. Terms shall begin on October 1 of each year.

#### **C. Notification of Membership**

1. LOSFA will send a notice to the organizations represented on the advisory council in the event a member advises that they will no longer be available to serve requesting that someone be appointed. The organization shall respond within 45 days of the date LOSFA sends the notice in order for LOSFA to confirm the appointee's willingness to serve.

2. The appointee must submit the confirmation of membership within 45 days of the notice of appointment.

#### D. Replacements

1. If an appointee declines to participate or does not submit a timely confirmation, LOSFA shall so notify the appropriate organization and request another person be appointed.

2. In the event a member does not attend at least half of the regularly scheduled meetings of the membership in a year, the chair shall request that another member be appointed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:491 (April 2024).

#### §123. Chair and Vice-Chair

A. The chair and vice-chair shall be selected annually by vote of the members of the advisory council from among the members of the advisory council. The chair of the advisory council shall preside over all meetings, serve as ex officio member of all subcommittees, if any, designate the duties of the vice-chair, and appoint the membership of all subcommittees, if any. The vice-chair shall perform the duties of the chair in the chair's absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:492 (April 2024).

#### §125. Executive Director of the Office of Student Financial Assistance (OSFA)

A. The executive director of the Office of Student Financial Assistance shall:

1. prepare the business agenda;
2. provide administrative support to the advisory council within the resources of his/her office allocated for that purpose;
3. approve the travel of advisory council members; and
4. in conjunction with the chair, schedule meetings of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:492 (April 2024).

#### Subchapter D. Business Rules

##### §131. Rules of Order

A. When not in conflict with any of the provisions of these bylaws, *Roberts' Rules of Order* shall constitute the rules of parliamentary procedure applicable to all meetings of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:492 (April 2024).

##### §133. Order of Business

A. The order of business of regular meetings of the advisory council shall be as follows, unless the rules are suspended by a simple majority vote of the quorum present:

1. call to order;
2. roll call;
3. introductions and announcements;

4. corrections and approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto;

5. public comment;
6. reports and recommendations of subcommittees;
7. unfinished business;
8. new business; and
9. public comment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:492 (April 2024).

##### §135. Meetings

A. Meetings shall be conducted in accordance with the state law governing public bodies. It shall be the policy of the advisory council that all meetings are open to the public and that parties with interest in the proceedings are encouraged to attend.

B. All meetings shall provide a method by which individuals with disabilities recognized by the Americans with Disabilities Act (ADA) or their caregivers may attend and participate via electronic means.

C. Notwithstanding §135.B no more than one-third of the annual meetings conducted by the Advisory Council shall allow for the attendance and participation of its members by electronic means. In such cases, all of the following conditions shall be met.

1. Notice of the meeting shall be published on LOSFA's website at least 24 hours in advance of such meeting, and notification shall be emailed to members of the public and the news media who have requested such notice in advance. The notice shall provide detailed information as to how the public and news media may participate and submit comments during the meeting.

2. The presiding officer must be present at and conduct the meeting from an anchor location to be included on the notice of the meeting and must ensure all of the following:

- a. that all public comments received both before and during the meeting are identified and acknowledged;
- b. that each person participating in the meeting is clearly identified;
- c. that all parts of the meeting, with the exception of any executive session called in accordance with §143.A.4., are able to be seen and heard by those participating electronically:

i. in the event the meeting is no longer audible or visible, the meeting must be recessed until such time as the sound and picture are full functional, but in no case more than one hour;

ii. in the event both auditory and visual access cannot be restored within one hour, the presiding officer must adjourn the meeting and no further business can be transacted;

d. that all votes are taken by roll call and that the responses of all members are heard by all of those participating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:492 (April 2024).

### **§137. Agenda**

A. Prior to each regular or special meeting of the advisory council, the executive director of OSFA shall prepare a tentative agenda and forward it to each member of the advisory council at least five working days prior to such meeting. With the concurrence of its members, all matters supportive of the purpose of the advisory council may be discussed even though not scheduled on the agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

### **§139. Minutes**

A. At a minimum, the minutes of the advisory council shall record official motions or recommendations that are voted on by the advisory council. The minutes may contain a summary of reports and pertinent discussion of issues. Each recommendation shall be reduced to writing and presented to the advisory council before it is acted on. The minutes of meetings of the advisory council become official when approved by the advisory council at its next scheduled meeting but, prior to such occurrence, the minutes may be presented to the Tuition Trust Authority as the unofficial action of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

### **§141. Meeting Attendance**

A. Members unable to continue their service on the advisory council shall so notify the chair and request that a replacement be named in accordance with §221 of these bylaws. Members who fail to regularly attend meetings without just cause, may be removed from membership in accordance with §221 of these bylaws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

### **§143. Subcommittees**

#### **A. Executive Committee**

1. The executive committee shall consist of five members. The chair and vice-chair of the advisory council shall serve in those capacities on the executive committee. The remaining persons, for a total of five members, shall be appointed by the chair of the advisory council from the other members of the advisory council.

#### **2. The executive committee shall:**

a. meet for and conduct the business of the advisory council in all instances that the public has been given notice of a meeting of the advisory council and the advisory council does not have a quorum at that meeting. In such cases, the actions of the executive committee shall have the same force and effect as if a quorum of the advisory council had taken the action;

b. consider such matters as shall be referred to it by the advisory council and shall execute such orders and resolutions as shall be assigned to it at any meeting of the advisory council;

c. in the event that an emergency requiring immediate advisory council action shall arise between advisory council meetings, meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the advisory council for ratification at the advisory council's next meeting.

3. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

4. The executive committee may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the reasons specified in the Louisiana open meetings law.

B. Other subcommittees may be appointed by the chair to perform specific functions defined by the advisory council. The membership, chairship, and function of subcommittees shall be determined by the chair. Generally, the business rules defined herein shall be applicable to subcommittees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

## **Subchapter E. Approval and Amendment of Bylaws**

### **§145. Approval of Bylaws**

A. To receive the Tuition Trust Authority's consideration, the advisory council's bylaws must be favorably recommended by the advisory council and the executive director of LOSFA. Bylaws become effective upon approval by the Tuition Trust Authority and publication as a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

### **§147. Amendments to Bylaws**

A. The advisory council, at any of its scheduled regular meetings, may recommend the amendment or repeal of the provisions herein upon a simple majority vote of the entire membership of the advisory council. Amendment or repeal of the bylaws becomes effective upon approval by the Tuition Trust Authority and publication as an Emergency Rule and/or a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:493 (April 2024).

## **Chapter 2. Bylaws of the Louisiana Office of Student Financial Assistance (LOSFA) Advisory Board**

### **Subchapter A. Purpose and Authority**

#### **§201. Purpose of the Advisory Board**

A. The purpose of the advisory board shall be to consider those matters relating to the student financial assistance programs, and §529, College Savings Plan, of the state and to provide technical advice and recommendations to the Board of Regents through LOSFA staff on such matters.



AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance LR 50:493 (April 2024).

### **§203. Authority of the Advisory Board**

A. The advice and recommendations of the advisory board are only advisory in nature and are not binding upon the Board of Regents, its members, or its officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:610 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

### **Subchapter B. Meetings**

#### **§211. Regular Meetings**

A. The advisory board shall hold regular meetings, but no more than 12 per year. All regular meetings shall be held at the meeting place designated by the executive director of the Louisiana Office of Student Financial Assistance (LOSFA). Proxy voting shall be permitted provided that the proxy holder is an officer or employee of the organization represented by the appointed member and that a proxy does not represent the appointed member at more than two of the meetings scheduled annually.

B. No more than one-third of the regularly scheduled meetings held during the year may be conducted by electronic means provided that all of the requirements of Section 235 are met. In no case shall successive meetings be conducted electronically.

C. All meetings must provide for electronic access to members of the public to allow those with disabilities recognized by the Americans with Disabilities Act and/or their caregivers to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

#### **§213. Special Meetings**

A. Special meetings of the advisory board may be called by the executive director of the Office of Student Financial Assistance at any time, provided the purposes of the meeting are specified, the members notified at least three calendar days before the time of the meeting, and sufficient members to form a quorum confirm their planned attendance. All special meetings, unless conducted solely for the purpose of discussing items subject to executive session, shall provide a means by which members of the public may participate remotely in accordance with Section 235.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

### **§215. Compensation**

A. Members of the advisory board shall be reimbursed for their travel expenses incurred in attending meetings in accordance with applicable state travel regulations if the organization represented by the appointed member does not reimburse them for their expenses and if otherwise allowed by law. No other compensation is authorized. Members may decline reimbursement for expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:610 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

### **§217. Quorum**

A. Six voting members of the advisory board shall constitute a quorum for the transaction of business and a simple majority of the members present at any meeting voting for or against a particular item shall be the recommendation of the advisory board.

B. Notwithstanding anything in these rules to the contrary, a member of the advisory board who has a disability that is recognized by the Americans with Disabilities Act (ADA) shall be permitted to attend and participate electronically, and their presence shall be counted for the establishment of a quorum. In order to establish that the member has such a disability and should be permitted to attend electronically, the member shall provide a brief letter from a qualified health care provider to LOSFA's Senior Attorney for review and filing for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

### **Subchapter C. Membership and Officers of the Advisory Board**

#### **§221. Membership**

A. The advisory board shall be composed of 11 voting members as follows:

1. one member from each postsecondary education board to be appointed by the respective board;
2. one member appointed the Louisiana Association of Independent Colleges and Universities (LAICU);
3. one member appointed by the Louisiana Association of Private Colleges and Schools who will represent proprietary and cosmetology schools;
4. one member to be appointed by the Louisiana Association of Student Financial Aid Administrators;

5. one private/parochial high school counselor to be appointed by the Louisiana Student Counselor Association;

6. one public/charter high school counselor to be appointed by the Louisiana Student Counselor Association;

7. one member appointed by the Board of Elementary and Secondary Education (BESE) to be rotated with one member appointed by the Department of Education;

8. one student member to be appointed by the Council of Student Body Presidents, whose rotation shall be as follows:

- a. Louisiana State University System;
- b. Southern University System;
- c. University of Louisiana System;
- d. Louisiana Technical and Community College

System.

#### B. Term

1. The term of voting members shall be for two years except when the organization represented by the appointed member provides for a shorter term, in which case, the member's term shall meet the requirements of the organization represented.

2. Members may serve consecutive terms.

3. Terms shall begin on October 1 of each year.

#### C. Notification of Membership

1. LOSFA will send a notice to the organizations represented on the advisory board no later than July 1 of the year during which terms expire to begin requesting appointments for the upcoming term. The organization shall respond in sufficient time to allow LOSFA to confirm the appointee's willingness to serve prior to the beginning of the term on October 1.

2. The appointee must submit the confirmation of membership by September 1 of that same year.

#### D. Replacements

1. If an appointee declines to participate or does not submit a timely confirmation, LOSFA shall so notify the appropriate organization and request another person be appointed.

2. If a member is unable to complete his/her term for any reason, the organization represented by that member shall appoint a replacement who shall complete the rest of the term and shall be eligible for membership for the next two-year term.

3. In the event a member does not attend at least half of the regularly scheduled meetings of the membership in a year, the Chair shall request that another member be appointed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 33:1339 (July 2007), LR 34:610 (April 2008), LR 37:2598 (September 2011), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:494 (April 2024).

### §223. Chair and Vice-Chair

A. The chair and vice-chair shall be selected annually by vote of the members of the advisory board from among the members of the advisory board. The chair of the advisory board shall preside over all meetings, serve as ex officio member of all subcommittees, if any, designate the duties of

the vice-chair, and appoint the membership of all subcommittees, if any. The vice-chair shall perform the duties of the chair in the chair's absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:611 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:495 (April 2024).

### §225. Executive Director of the Office of Student Financial Assistance (OSFA)

A. The executive director of the Office of Student Financial Assistance shall:

1. prepare the business agenda;

2. provide administrative support to the advisory board within the resources of his/her office allocated for that purpose;

3. approve the travel of advisory board members; and

4. in conjunction with the chair, schedule meetings of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:495 (April 2024).

### Subchapter D. Business Rules

#### §231. Rules of Order

A. When not in conflict with any of the provisions of these bylaws, *Roberts' Rules of Order* shall constitute the rules of parliamentary procedure applicable to all meetings of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:495 (April 2024).

#### §233. Order of Business

A. The order of business of regular meetings of the advisory board shall be as follows, unless the rules are suspended by a simple majority vote of the quorum present:

1. call to order;

2. roll call;

3. introductions and announcements;

4. corrections and approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto;

5. public comment;

6. reports and recommendations of subcommittees;

7. unfinished business;

8. new business; and

9. public comment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 42:50 (January 2016),

amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:495 (April 2024).

### **§235. Meetings**

A. Meetings shall be conducted in accordance with the state law governing public bodies. It shall be the policy of the advisory board that all meetings are open to the public and that parties with interest in the proceedings are encouraged to attend.

B. All meetings shall provide a method by which individuals with disabilities may attend and participate via electronic means.

C. Notwithstanding §235.B. no more than one third of the annual meetings conducted by the Advisory Board shall allow for the attendance and participation of its members by electronic means. In such cases, all of the following conditions shall be met:

1. Notice of the meeting shall be published on LOSFA's website at least 24 hours in advance of such meeting, and notification shall be emailed to members of the public and the news media who have requested such notice in advance. The notice shall provide detailed information as to how the public and news media may participate and submit comments during the meeting.

2. The presiding officer must be present at and conduct the meeting from an anchor location to be included on the notice of the meeting and must ensure all of the following:

a. that all public comments received both before and during the meeting are identified and acknowledged;

b. that each person participating in the meeting is clearly identified;

c. that all parts of the meeting, with the exception of any executive session called in accordance with §243.A.4., are able to be seen and heard by those participating electronically:

i. in the event the meeting is no longer audible or visible, the meeting must be recessed until such time as the sound and picture are full functional, but in no case more than one hour;

ii. in the event both auditory and visual access cannot be restored within one hour, the presiding officer must adjourn the meeting and no further business can be transacted;

d. that all votes are taken by roll call and that the responses of all members are heard by all of those participating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:496 (April 2024).

### **§237. Agenda**

A. Prior to each regular or special meeting of the advisory board, the executive director of OSFA shall prepare a tentative agenda and forward it to each member of the advisory board at least five working days prior to such

meeting. With the concurrence of its members, all matters supportive of the purpose of the advisory board may be discussed even though not scheduled on the agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:496 (April 2024).

### **§239. Minutes**

A. At a minimum, the minutes of the advisory board shall record official motions or recommendations that are voted on by the advisory board. The minutes may contain a summary of reports and pertinent discussion of issues. Each recommendation shall be reduced to writing and presented to the advisory board before it is acted on. The minutes of meetings of the advisory board become official when approved by the advisory board at its next scheduled meeting but, prior to such occurrence, the minutes may be presented to the Board of Regents as the unofficial action of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:496 (April 2024).

### **§241. Meeting Attendance**

A. Members unable to continue their service on the advisory board shall so notify the chair and request that a replacement be named in accordance with §221 of these bylaws. Members who fail to regularly attend meetings without just cause, may be removed from membership in accordance with §221 of these bylaws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:496 (April 2024).

### **§243. Subcommittees**

A. Executive Committee

1. The executive committee shall consist of four members. The chair and vice-chair of the advisory board shall serve in those capacities on the executive committee. The remaining persons, for a total of four members, shall be appointed by the chair of the advisory board from the other members of the advisory board.

2. The executive committee shall:

a. meet for and conduct the business of the advisory board in all instances that the public has been given notice of a meeting of the advisory board and the advisory board does not have a quorum at that meeting. In such cases, the actions of the executive committee shall have the same force and effect as if a quorum of the advisory board had taken the action;

b. consider such matters as shall be referred to it by the advisory board and shall execute such orders and resolutions as shall be assigned to it at any meeting of the advisory board;

c. in the event that an emergency requiring immediate advisory board action shall arise between advisory board meetings, meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the advisory board for ratification at the advisory board's next meeting.

3. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

4. The executive committee may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the reasons specified in the Louisiana open meetings law.

B. Other subcommittees may be appointed by the chair to perform specific functions defined by the advisory board. The membership, chairship, and function of subcommittees shall be determined by the chair. Generally, the business rules defined herein shall be applicable to subcommittees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:496 (April 2024).

#### **Subchapter E. Approval and Amendment of Bylaws**

##### **§245. Approval of Bylaws**

A. To receive the Board of Regents' consideration, advisory board bylaws must be favorably recommended by the advisory board and the executive director of LOSFA. Bylaws become effective upon approval by the Board of Regents and publication as a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:497 (April 2024).

##### **§247. Amendments to Bylaws**

A. The advisory board, at any of its scheduled regular meetings, may recommend the amendment or repeal of the provisions herein upon a simple majority vote of the entire membership of the advisory board. Amendment or repeal of the bylaws becomes effective upon approval by the Board of Regents and publication as an Emergency Rule and/or a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial

Assistance, LR 43:1730 (September 2017), amended by the Tuition Trust Authority, Office of Student Financial Assistance, LR 50:497 (April 2024).

Robyn Rhea Lively  
Senior Attorney

2404#015

### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division**

##### **Open Meetings via Electronic Means Policy (LAC 33:I.Chapter 22)(OS103)**

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 Office of the Secretary regulations, LAC 33:I.Chapter 22. (OS103)

This Rule summarizes the LDEQ's obligations and limitations for announcing and holding public meetings and the process by which the LDEQ shall provide eligible requestors with accommodations in order to attend and participate in said meetings in person or remotely (via electronic means).

Act 393 of the 2023 Regular Session requires the LDEQ, upon request, to provide accommodations to people with disabilities to enable them to participate in open meetings or open meetings delivered by electronic access. The basis and rationale for this Rule are to ensure equal access to public meetings to all residents, including those who identify as disabled, as required by the Americans with Disabilities Act. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

#### **Title 33**

#### **ENVIRONMENTAL QUALITY**

##### **Part I. Office of the Secretary**

##### **Subpart 1. Departmental Administrative Procedures**

##### **Chapter 22. Open Meetings**

##### **§2201. Open Meetings Accessibility**

A. The Department of Environmental Quality shall provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a member of the public body itself with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone

number and email address of the agency representative to whom a disability accommodation may be submitted.

D. As soon as possible, but no later than the start of the scheduled meeting, the requestor shall be provided with the teleconference or videoconference link.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 50:497 (April 2024).

Aurelia S. Giacometto  
Secretary

2404#063

## RULE

### Office of the Governor Department of Veterans Affairs

Veterans' Affairs (LAC 4:VII.Chapter 9)

Under the authority of R.S. 29:252-261, 288-290, 295, 381-391, R.S. 36:781-787, R.S. 42:17.2, and R.S. 46:121-123, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that the Department of Veterans Affairs regulations, LAC 4:VII.Chapter 9, has been amended.

The revisions were necessary to comply with statutes updated since 2019, the last time that the Department of Veterans Affairs promulgated new rules. The updates repeal rules that were outdated or restated statutes; amend other rules for clarity and to conform with current legislation; add rules for the Veterans Affairs Commission and the Military Family Assistance Fund to conduct open meetings via electronic means; add rules regarding residency eligibility documentation for Title 29 educational benefits and for certain National Guardsmen and reserve components of the Armed Forces to be buried in state-run veterans cemeteries; and codify the appeal procedures for denials of Title 29 educational benefits and Louisiana National Guard disability benefits. This Rule is hereby adopted on the day of promulgation.

#### Title 4 ADMINISTRATION

#### Part VII. Governor's Office

#### Chapter 9. Veterans' Affairs

#### Subchapter A. Veterans' Affairs Commission

#### §901. Office of the Secretary

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:781 and 783-786.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1015 (April 2012), repealed LR 50:498 (April 2024).

#### §903. Officers

A. The chairman and vice chairman of the commission shall be elected at the first meeting following the governor's appointment of the total commission or at the first meeting held following July 1 in even-numbered years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253 and R.S. 36:781.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012), LR 50:498 (April 2024).

#### §907. Meetings

A. The commission does not meet the criteria pursuant to R.S. 42:17.2 to be eligible to conduct open public meetings via electronic means because it does not conduct at least six regularly scheduled meetings in a calendar year. Nonetheless the commission is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

1. People with disabilities are defined as any of the following:

- i. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
- ii. a designated caregiver of such a person; or
- iii. a participant member of the commission with an ADA-qualifying disability.

2. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

4. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253, R.S. 36:781, and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:486 (October 1981), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1016 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019), LR 50:498 (April 2024).

#### Subchapter B. State Educational Aid Program

#### §917. Eligibility

A. Application must be made through the Parish Veterans Service Office. In order to be eligible to receive educational benefits under R.S. 29:288 et seq., the following criteria must be met.

1. Any child applicant applying for these educational benefits must be not less than 16 nor more than 25 years of age, and marriage is not a bar to the program. Child applicants must meet the dependence requirements of the United States Department of Veterans Affairs pursuant to 38 CFR §3.57 and §3.204 through §3.211.

2. The spouse has no age limit but must use the benefit within 10 years of the date eligibility is established. Remarriage is a bar to this benefit. Dissolution of the remarriage does not re-establish eligibility. Program termination for a remarried surviving spouse will be the end of the semester in which the marriage takes place.

3. The eligible student must attend school on a full-time basis and maintain all academic and other enrollment standards established by the school.

4. The eligible student may attend any state college or university, including institutions under the jurisdiction of the Board of Supervisors of Community and Technical Colleges; all entrance requirements for such institution must be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 7:485 (October 1981), amended LR 13:743 (December 1987), LR 19:1565 (December 1993), LR 23:1685 (December 1997), LR 26:2211 (November 1999), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1588 (November 2019), amended LR 50:498 (April 2024).

### **§918. Proof of Residency**

A. To establish that a deceased service member or veteran resided in Louisiana for one year prior to entry into service, the applicant must present one of the following:

1. the death certificate of the deceased service member or veteran;
2. the deceased service member or veteran's DD-214 showing a Louisiana residence address as the home of record;
3. the deceased service member or veteran's Louisiana high school diploma or equivalent; or
4. the deceased service member or veteran's Louisiana high school, college, or university transcripts.

B. To establish that a deceased service member or veteran resided in Louisiana for two years prior to death, or that a living veteran has resided in Louisiana for two years prior to the applicant's admission into a program of education, the applicant must present the following:

1. At least three of the following documents that include the veteran's name and a Louisiana residence address:
  - a. unexpired Louisiana driver's license or Louisiana special identification card issued two or more years ago;
  - b. Louisiana voter registration card issued two or more years ago;
  - c. Louisiana vehicle registration issued two or more years ago;
  - d. homestead tax exemption forms for the past two years;
  - e. Louisiana full time resident income tax returns for the past two years, signed and marked as received by the Louisiana Department of Revenue.

2. If the applicant cannot present at least three of the documents listed above, they must present two of the documents listed above and must provide copies of at least two documents in addition to those provided from the list above. The additional documents must include the veteran's name and a Louisiana residence address and must have been issued within the two years immediately preceding the applicant's admission into a program of education.

- a. Examples of acceptable additional documents include:
  - i. utility bills for two separate utilities (i.e., water, sewer, gas, electric, cable/satellite TV, internet, telephone/cell phone, or garbage collection) or other utility statements showing service in veteran's name at a Louisiana residence address;
  - ii. federal income tax returns for the past two years, signed and marked as received by the IRS;
  - iii. financial statements (i.e., bank/credit union account, investment account, credit card account, or loan/credit financing);

iv. employment documentation (i.e., paycheck or paycheck stub, letter from your employer on company letterhead, W-2 for earnings issued, or military orders issued);

v. health insurance statement or explanation of benefits (EOB) for a claim or a health care bill/invoice;

vi. Social Security documentation (i.e., Social Security Annual Statement, Numerical Identification System record, or Social Security check);

vii. homeowners or renters insurance policy or premium bill;

viii. mortgage, payment coupon, deed, escrow statement, or property tax bill;

ix. auto insurance policy;

x. unexpired firearms license (gun permit);

xi. current, valid lease agreement and rent payment receipts for a home or apartment.

C. Residency is defined as the veteran's full-time physical presence in a Louisiana household.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288, R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 50:499 (April 2024).

### **§925. Appeals**

A. Any applicant for educational benefits who was not issued a tuition exemption certificate may request an appeal of the department's decision by filing a written request for review of the decision by the secretary of the Department of Veterans Affairs or his designee.

B. Written requests for appeal must be filed with a veterans assistance counselor within 30 days from the notice of denial and must contain the name and mailing address of the applicant, the name and Louisiana residence address of the deceased service member or veteran, a clear statement of the reasons for the appeal, and any documents supporting the reasons for appeal.

C. A written decision will be issued by the secretary or his designee. This decision shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:288.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:499 (April 2024).

### **Subchapter C. Veterans' Homes**

#### **§937. Admission Requirements**

A. For admission to a state-run veterans home, a veteran deemed eligible under Title 38 of the U.S. Code, spouse of a veteran, or gold-star parent must be a resident of Louisiana. State residence is not mandatory if applicant is referred from an in-state United States Department of Veterans Affairs Medical Center, or by a Louisiana Department of Veterans Affairs veterans assistance counselor. The veteran must be recommended by the home administrator and approved for admission.

B. ...

C. The applicant must undergo a medical examination prior to admission and, as a result, it must be confirmed that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of the other residents or employees.

D. The applicant must consent to abide by all rules and regulations governing the home and to follow the course of treatment as prescribed by the home's medical staff.

E. The applicant, or party responsible for his/her financial matters, must agree to pay the full resident care and maintenance fee. The administrator, with authorization from the secretary, may waive or defer any charge that exceeds the applicant's income.

F. An applicant for admission to the veteran home must disclose all pending criminal charges and all past felony convictions. The facility may consider the applicant's criminal background as part of its determination of whether to admit the applicant. An applicant who is required to register as a sex offender shall not be eligible for admission into the home.

G. A spouse is no longer eligible for admission if divorced from the veteran. A widow or widower is eligible for admission unless or until they remarry someone who is not a veteran.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 13:570 (October 1987), LR 18:269 (March 1992), LR 21:801 (August 1995), amended by the Office of the Governor, Department of Veterans Affairs, Veterans Affairs Commission, LR 38:1017 (April 2012), amended by the Office of the Governor, Department of Veterans Affairs, LR 45:1589 (November 2019), LR 50:499 (April 2024).

#### **§943. Nursing Care Resident Fee**

A. Patients will be allowed to retain the first \$90 per month for personal spending and appropriate deduction(s) for any legal dependent(s). All remaining income must be applied to the care and maintenance fee until maximum care cost is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:261, R.S. 29:384.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans' Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 21:802 (August 1995), LR 28:2509 (December 2002), LR 50:500 (April 2024).

### **Subchapter D. Military Family Assistance Program**

#### **Fund**

#### **§961. Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011), amended LR 45:1590 (November 2019), repealed LR 50:500 (April 2024).

#### **§963. Construction of Regulations; Severability**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1606 (June 2011), repealed LR 50:500 (April 2024).

#### **§965. Definitions**

*Application*—a written request for financial assistance from the Military Family Assistance Fund made on the form

captioned Military Family Assistance Fund Application, together with documents related thereto.

*Approval Authority*—the third party administrator for all need-based claims of \$1500 or less; the fund committee for all need-based claims of greater than \$1500 up to \$2500; and the board for all need-based claims of greater than \$2500. The fund committee and the board are the approval authority for all claims for one-time lump sum payments and all claims appealed by an eligible applicant.

*Board*—the Louisiana Military Family Assistance Board.

*Claimant*—an eligible applicant.

*Eligible Applicant*—activated military person, honorably discharged military person, or a family member of activated military person as defined in R.S. 46:121.

*Family Member of Activated Military Personnel*—the primary next of kin or an immediate family member.

*Final Appeal*—an appeal to the Louisiana Military Family Assistance Board.

*Fund Committee*—the committee comprised of three board members appointed by the chairman of the board to assist in administering the Louisiana Military Family Assistance Fund which committee shall also serve as an appellate body for all claims of \$1500 or less before a final appeal is made to the full board.

*Immediate Family Member*—with respect to an activated military person:

1. spouse;
2. a natural child, adopted child, step child, or illegitimate child, if acknowledged by the person or parenthood has been established by a court of competent jurisdiction, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child;
3. any other person claimed as a dependent on the federal income tax of the activated military person;
4. a biological or adoptive parent, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored;
5. a brother or sister of the person, if such brother or sister has attained the age of 18 years; or
6. any other person, if such person was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

*Outreach*—activities directed at improving or strengthening veteran initiatives, activities or problems.

*Third Party Administrator*—the Louisiana Department of Veterans Affairs Benefits Division, or a designee of the Secretary of the Louisiana Department of Veterans Affairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1590 (November 2019), LR 50:500 (April 2024).

#### **§967. Eligibility**

A. The approval authority may, in its sole discretion, waive the requirement to seek assistance from other available sources when unusual or exigent circumstances make such application impractical or unlikely to produce results in a timely manner or when the applicant shows that

the circumstances are such that other potential sources of funds are inapplicable to the particular circumstances.

B. Requests for assistance from the Military Family Assistance Fund shall not be bifurcated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019), LR 50:500 (April 2024).

### **§969. Application Process**

A. - A.6. ...

7. If an individual other than a spouse acts on behalf of an eligible applicant in preparing and submitting the application, a signed, written statement by the applicant or a copy of a fully executed power of attorney authorizing the individual preparing and submitting the application to act on the eligible applicant's behalf must be submitted as an attachment to the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1607 (June 2011), amended LR 45:1591 (November 2019), LR 50:501 (April 2024).

### **§975. Minimum Funding Levels; Reserve Level; Calculation of Funds Available for Payment of One-Time Lump Sum Awards**

A. - B. ...

C. For each fiscal year, the maximum percentage of the Military Family Assistance Fund that may be directed to one-time lump sum awards shall not exceed 20 percent. This percentage shall be based on the amount of funds on deposit in the Military Family Assistance Fund as of the first day of the fiscal year.

D. Award amounts directed to transportation and other related costs of activated military personnel shall not exceed 30 percent of the funds on deposit in the Military Family Assistance Fund on the first day of the fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011), amended LR 50:501 (April 2024).

### **§977. Third Party Administrator**

A. - D. ...

E. For all need-based applications received, regardless of the dollar amount of the request, the third party administrator shall make a determination on the following issues:

1. that all awards are on behalf of activated military personnel or honorably discharged military personnel as defined in R.S. 46:121;

2. - 3.a. ...

b. the necessary expenses created or will create an undue hardship on the activated military person, family member of the activated military person, or the honorably discharged military person;

c. the activated military person, family member of the activated military person, or the honorably discharged military person does not have reasonable and timely access to any other funding source;

d. payment of the claim does not supplant other available public or private funds; and

e. the activated military person, family member of the activated military person, or the honorably discharged military person has made reasonable attempts to secure alternative funding through another program, recognizing that the approval authority in its discretion accorded under these rules may waive the requirement for that applicant to have sought this alternative funding.

F. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1609 (June 2011), amended LR 45:1592 (November 2019); LR 50:501 (April 2024).

### **§979. Fund Committee**

A. ...

B. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011); amended LR 50:501 (April 2024).

### **§981. The Board and Chairman of the Board**

A. - C. ...

D. Repealed.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011), amended LR 50:501 (April 2024).

### **§982. Meetings of the Board**

A. The board meets criteria pursuant to R.S. 42:17.2 to be eligible to conduct open public meetings via electronic means.

B. At least 24 hours prior to a meeting conducted via electronic means, the board shall post the following on the Louisiana Department of Veterans Affairs' website at [vetaffairs.la.gov](http://vetaffairs.la.gov):

1. meeting notice and agenda; and

2. detailed information regarding how members of the public may:

a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

b. submit written comments regarding matters on the agenda prior to the meeting.

C. Given that the board assists military families, there is no limitation as to the number of successive meetings via electronic means that may be conducted.

D. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website at [vetaffairs.la.gov](http://vetaffairs.la.gov) on an annual basis.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at [vetaffairs.la.gov](http://vetaffairs.la.gov).

F. The board shall provide for participation via electronic means on an individualized basis by people with disabilities.

G. People with disabilities are defined as any of the following:



1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

2. a designated caregiver of such a person; or

3. a participant member of the board with an ADA-qualifying disability.

H. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

I. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:501 (April 2024).

### **§983. Appeals**

A. The fund committee shall sit as a board of appeals for the third party administrator's disapproval of all or any part of a need-based application for \$1500 or less. An eligible applicant may appeal the third party administrator's disapproval of a request for assistance within thirty days of the receipt of the written determination disapproving the claim. The request for an appeal must be made in writing to the third party administrator.

B. ...

C. The board shall sit as a board of appeals for the fund committee's disapproval of all or any part of a need-based application for greater than \$1500 up to \$2500. An eligible applicant may appeal the fund committee's disapproval of claim to the board within 30 days of the receipt of the written determination disapproving the claim. The request for an appeal must be made in writing to the third party administrator.

D. ...

E. The decision of the board on a request for assistance shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1610 (June 2011), amended LR 50:502 (April 2024).

### **§987. Waivers**

A. ...

B. Once a claim is approved, the identity of the eligible applicant, related activated military personnel or honorably discharged military personnel, and any person filing the application on behalf of the eligible applicant, and the amount approved shall be public record.

C. Applications, the identity of applicants and their related military personnel or honorably discharged military personnel, and all records of the board, the fund committee and the third party administrator related thereto, shall be available prior to any approval of the application, to necessary parties including but not limited to, the legislative auditor, the legislative oversight committee for rules and annual reports, and such other parties as necessary for prudent administration of the Military Family Assistance Program and verification of elements of the application.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 37:1611 (June 2011), amended LR 45:1592 (November 2019), LR 50:502 (April 2024).

## **Subchapter E. Veterans' Cemeteries**

### **§990. Fee Waivers**

A. The secretary of the department may waive all or part of the fee charged under R.S. 29:295 or §992 of this Chapter for burying veterans, spouses or dependent children in Louisiana veterans' cemeteries if unusual financial circumstances or hardships exist. Family members who believe they have unusual financial circumstances or hardships may request relief and consideration of a waiver of the burial fee. Family members may apply for a waiver through the cemetery director. If no family members are available, the cemetery director may request a waiver on behalf of the deceased veteran, spouse or dependent child. The application must include appropriate documentation to support a finding that an unusual financial circumstance or hardship exists. If the cemetery director determines that the application and supporting documentation reflect that an unusual financial circumstance or hardship exists, then the director will forward the request with an appropriate recommendation to the secretary for approval or disapproval to waive the fee in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:121 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 45:1592 (November 2019), amended LR 50:502 (April 2024).

### **§992. Burial Eligibility for Members of the Louisiana National Guard, Reserve Components of the Armed Forces, and Their Dependents**

A. Pursuant to Louisiana R.S. 29:295(E) and 38 U.S.C. 2408, the following deceased members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces, and their dependents are eligible for burial in veterans cemeteries operated by the Department of Veterans Affairs.

1. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who was a Louisiana resident at the time of death and who was discharged or released from federal and state service under conditions other than dishonorable, as shown by a discharge certificate or NGB 22.

2. Any member of the Louisiana National Guard or of a drilling reserve component of the Armed Forces who was a Louisiana resident at the time of death and whose death occurs under conditions other than dishonorable while a member of the Louisiana National Guard or the reserve component.

3. Any spouse, minor child, or unmarried adult child of any member described above. The spouse, minor child, or unmarried adult child must be a Louisiana resident at the time of death.

a. Spouse includes a surviving spouse who subsequently remarries.

b. Minor child means an unmarried child under 18 years of age.

c. Unmarried adult child means a child who became permanently physically or mentally disabled and incapable

of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

B. The person applying for burial of an eligible member of the Louisiana National Guard, reserve component of the Armed Forces, or their dependent is responsible for providing documents with the application that verify eligibility.

C. For members of the Louisiana National Guard or of a drilling reserve component of the Armed Forces eligible for burial pursuant to Subsection (A)(1) and (2) of this Section, the cost of burial shall be the cost of a headstone or marker and the amount of a burial plot allowance established by the United States Department of Veterans Affairs, according to 38 U.S.C. 2303(b)(1) and (c), for veterans who are eligible for burial in a national cemetery. If funds have not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of burial, the applicant shall pay the cost of burial prior to interment.

D. For spouses, minor children, and unmarried adult children eligible for burial pursuant to Subsection (A)(3) of this Section, the cost of burial shall be the amount set by R.S. 29:295(C), and shall be paid by the applicant prior to interment. If funds have not been appropriated by the legislature or the United States Department of Veterans Affairs for the cost of a headstone or marker for spouses, minor children, and unmarried adult children, the applicant shall also pay the cost of a headstone or marker prior to interment.

E. If a headstone or marker must be reordered due to incorrect information provided by the applicant, the applicant shall pay the cost of a replacement headstone or marker.

F. To establish that the residency requirement has been met, the applicant must present at least three of the following documents that include the veteran's name and a Louisiana residence address:

1. unexpired Louisiana driver's license or Louisiana special identification card;
2. Louisiana voter registration card;
3. Louisiana vehicle registration;
4. homestead tax exemption form;
5. Louisiana full time resident income tax return (signed and marked as received by the Louisiana Department of Revenue).

G. If the applicant cannot present at least three of the documents listed above, they must present two of the documents listed above and must provide copies of at least two documents in addition to those provided from the list above. The additional documents must include the decedent's name and a Louisiana residence address and must show the decedent lived at a Louisiana residence address at the time of death (i.e., utility bills, federal income tax returns, lease agreement or mortgage statement, or employment documentation).

H. This Section does not apply to veterans who qualify for burial in national veterans cemeteries as provided in 38 U.S.C. 2402 and 38 C.F.R. 1.620 and therefore qualify for burial in a veterans cemetery pursuant to R.S. 29:295.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:295(E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:502 (April 2024).

## **Subchapter F. Louisiana National Guard Disability Benefits**

### **§995. Appeals**

A. Any applicant for disability benefits pursuant to R.S. 29:26.1 who was denied may request an appeal of the department's decision by filing a written request for review of the decision by the secretary of the Department of Veterans Affairs or his designee.

B. Written requests for appeal must be filed with the secretary of the Department of Veterans Affairs or his designee within 30 days from the notice of denial and must contain the name and mailing address of the applicant, a clear statement of the reasons for the appeal, and any documents supporting the reasons for appeal.

C. A written decision will be issued by the secretary or his designee. This decision shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:26.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 50:503 (April 2024).

Dustin Guy  
Deputy Chief of Staff

2404#001

## **RULE**

### **Office of the Governor Division of Administration Office of Broadband Development and Connectivity**

Granting Unserved Municipalities  
Broadband Opportunities 2.0 (GUMBO 2.0)  
(LAC 4:XXI.Chapters 11-17)

The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity adopts LAC 4:XXI.Chapters 11-17 as authorized by R.S. 51:2370.21-2370.33, in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and relative to the administration of the Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) grant program by the Office of Broadband Development and Connectivity.

The GUMBO 2.0 program carries on the mission of the original GUMBO program but does so with new criteria as a result of a new federal funding source from Infrastructure Investment and Jobs Act (P.L. 117-58). This federal funding is from the U.S. Department of Commerce and administered by National Telecommunications and Information Administration (NTIA). As a result, this is a new Rule for a new grant program.

According to the Federal Communications Commission, over 10 percent of Louisianans do not have access to broadband through ADSL, cable, fiber, or fixed wireless. In our rural communities, the number of these unserved residents rises to nearly 33 percent. Tragically, a third of rural Louisianans are without access to high-speed broadband, threatening their health, limiting their

educational opportunities, and constraining their economic competitiveness in the digital world.

Failure to connect the unconnected, and any further delay in constructing broadband infrastructure to serve those residents without it, would continue the substantial risk of hardship currently faced by hundreds of thousands of residents throughout the state. Therefore, the Louisiana Office of Broadband Development and Connectivity shall provide grants to private providers of broadband services to facilitate the deployment of broadband service to unserved areas of the state, defined as areas without deployed internet access service providing transmission speeds of at least 100 Mbps download and 20 Mbps upload (100:20 Mbps) through wireline or fixed wireless. The GUMBO 2.0 grant program shall utilize the federal Broadband, Equity, Access, and Deployment program from P.L. 117-58 to fund eligible projects through a competitive grant application process.

The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity has adopted LAC 4:XXI.Chapters 11-17 as authorized by R.S. 51:2370.21-2370.33, relative to the administration of the Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) grant program by the Office of Broadband Development and Connectivity. The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity adopts this Rule to align the administrative Rule with the current State Plan approved by NTIA.

To view the approved state plan in its entirety, also known as the Initial Proposal, please visit <https://connect.la.gov/resources/>.

- For more detail on the below Chapter 11. Challenge Process, see the Initial Proposal Volume 1.
- For more detail on the below Chapter 13. Deployment Subgrantee Selection, see the Initial Proposal Volume 2: Section 2.4. Deployment Subgrantee Selection.
- For more detail on the below Chapter 15. Non-Deployment Subgrantee Selection, see the Initial Proposal Volume 2: Section 2.5. Non-Deployment Subgrantee Selection.
- For more detail on the below Chapter 17. Low-Cost Broadband Service Option, see the Initial Proposal Volume 2: Section 2.12. Low-Cost Broadband Service Option.

This Rule is hereby adopted on the day of promulgation.

**Title 4**

**ADMINISTRATION**

**Part XXI. Granting Unserved Municipalities Broadband Opportunities**

**Subpart B. Granting Unserved Municipalities Broadband Opportunities (GUMBO)**

**Chapter 1. Program Summary**

**§103. Definitions**

*BEAD*—the Broadband Equity, Access, and Deployment Program, as administered by the National Telecommunications and Information Administration.

\*\*\*

*CRN*—Sub Project Areas with Critical Resiliency Needs.

\*\*\*

*Economically Disadvantaged Areas*—socially disadvantaged areas whose ability to participate in the free enterprise system has been impaired due to diminished

capital and credit opportunities as compared to other areas who are not socially disadvantaged.

\*\*\*

*EHCT*—extremely high-cost threshold.

\*\*\*

*Eligible Community Anchor Institutions*—a community anchor institution that lacks access to Gigabit-level broadband service.

\*\*\*

*Eligible Locations*—locations eligible for BEAD funding.

\*\*\*

*Fabric*—Federal Communications Commission mapping fabric.

*FTTH*—Fiber to the Home.

\*\*\*

*GUMBO 2.0*—Granting Unserved Municipalities Broadband Opportunities 2.0.

\*\*\*

*Limited Waiver*—Build America Buy America limited waiver.

\*\*\*

*NOFO*—notice of funding opportunity.

\*\*\*

*Priority Projects*—Deployment projects that must be prioritized before non-deployment initiatives.

\*\*\*

*Reliable Service*—broadband service that the Broadband DATA Maps show is accessible to a location via: fiber-optic technology, cable modem/ hybrid fiber-coaxial technology, digital subscriber line technology, or terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

*Resolution of Consent*—Support and permission from a federally-recognized tribe to build on their land.

\*\*\*

*SPA*—sub-project area.

*Speed of Network*—advertised and actual Internet speed.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 50:504 (April 2024).

**Subpart B. Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0)**

**Chapter 11. Challenge Process**

**§1101. Fair, Expeditious, and Evidenced-Based Challenge Process**

A. Permissible Challenges. The office only allows challenges on the following grounds:

1. the identification of eligible community anchor institutions;
2. community anchor institution BEAD eligibility determinations.;
3. BEAD eligibility determinations for existing broadband serviceable locations (BSLs);
4. enforceable commitments; or
5. planned service;

B. Permissible Challengers. During the BEAD challenge process, the office only allows challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

C. Challenge Process Overview. The challenge process conducted by the office includes four phases, spanning up to 90 days. Implementation efforts around the challenge process are supported through capable state contractor and support teams that provide GIS capabilities, data analytics and technical audit skills. Decisions will ultimately be made by the Executive Director and staff. The state of Louisiana uses the challenge process as described below:

1. Publication of Eligible Locations: Prior to beginning the challenge phase, the office shall publish the set of locations eligible for BEAD funding. The office shall also publish locations considered served, as they may be challenged.

2. Challenge Phase: During the challenge phase, the challenger submits the challenge through the office challenge portal. The office notifies the provider of the challenge through an automated email. After this stage, the location enters the “challenged” state.

a. Minimum Level of Evidence Sufficient to Establish a Challenge: The office verifies the address provided is a BSL.

b. Timeline: Challengers have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted.

3. Rebuttal Phase: Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the “sustained” state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.

a. Timeline: Providers have 30 calendar days from notification of a challenge to provide rebuttal information to the office.

4. Final Determination Phase: During the Final Determination phase, the office makes the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”

a. Timeline: Following intake of challenge rebuttals, the office makes a final challenge determination within 30 calendar days of the termination of the challenge rebuttal. Reviews occur on a rolling basis, as challenges and rebuttals are received.

D. Evidence and Review Approach. The office ensures that the review of all applicable challenge and rebuttal information is completed in detail without bias, before deciding to sustain or reject a challenge. The office documents the standards of review to be applied and requires reviewers to document their justification for each determination. The office also requires that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

## E. Challenge Types

Code	Challenge Type	Description
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
L	Data cap	The round-trip latency of the broadband service exceeds 100 ms.
D	Technology	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.
T	Business service only	The technology indicated for this location is incorrect.
B	Enforceable Commitment	The location is residential, but the service offered is marketed or available only to businesses.
E	Planned service	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.
P	Not part of enforceable commitment.	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.
N	Location is a CAI	This location is in an area that is subject to an enforceable commitment to less than 100 percent of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)
C	Location is not a CAI	The location should be classified as a CAI.
R		The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.

## F. Area and MDU Challenge

1. The office administers area and MDU challenges for challenge types A, L, D, and T. An area challenge reverses the burden of proof for availability, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. The provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, latency, data cap and technology requirement, respectively, for all (served) locations within the area or all units within an MDU.

a. An area challenge is triggered if six or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

b. An MDU challenge requires challenges by at least three units or 10 percent of the unit count listed in the Fabric within the same broadband serviceable location, whichever is larger.

2. Each type of challenge and each technology and provider is considered separately. If a provider offers multiple technologies, each is treated separately.

3. Area challenges for availability need to be rebutted with evidence that service is available for all BSL within the census block group. For fixed wireless service, the challenge system offers representative random, sample of the area in contention, but no fewer than 10, where the provider has to demonstrate service availability and speed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:504 (April 2024).

### **Chapter 13. Deployment Subgrantee Selection §1301. Plan for Fair, Open, and Competitive Process**

A. Eligible locations in the state are organized by the office into a set of pre-defined areas, or “sub-project areas.” Prospective subgrantees will define their proposed overall deployment projects, but such proposals must be submitted in the form of sets of SPAs. By including an SPA in an application, the provider commits to reach all included eligible locations.

B. Qualified prospective subgrantees may submit a Round 1 application, after SPAs are determined by the office.

1. A Round 1 application must include:

- a. the list of SPAs included in the application;
- b. the amount of BEAD funds requested;
- c. the proposed technology type for the project; and
- d. additional primary and secondary scoring application elements including plans for affordability, fair labor practices, deployment timeline, speed of network, and any other supporting information required by NTIA.

2. Round 1 applications will be analyzed to identify any overlap between applications, with a limited number of selections made according to a prioritization approach. Any such selections will be subject to review and confirmation by the office that the applicant has the requisite operational, managerial, and financial capability to fulfill the subgrant in the specific SPAs included. Any other Round 1 applications that overlap with a Round 1 award will be deemed denied, but the applicant will be permitted to resubmit any non-overlapping SPAs as a new application in Round 2.

C. In Round 2, all remaining unawarded Round 1 applications will automatically be pulled forward and may not be withdrawn. Round 1 applications may be simply left as-is for Round 2, or the applicant may make certain changes including adding new SPAs to the application and/or changing the amount of requested BEAD funding. Any Round 1 applicant may also propose new Round 2 applications exclusively comprising SPAs that did not receive any applications in Round 1.

1. Round 2 applications then will be selected for funding as follows. First, all FTTH applications will be scored using the scoring rubric described below, with de-confliction of overlapping FTTH applications resolved.

2. Next, all non-FTTH applications available for SPAs not already selected for FTTH proposals will be scored and de-conflicted in the same fashion.

3. Prior to finalizing all the Round 1 and Round 2 selections, the office will review the overall set of awards that could be made based on these steps to assess whether 100 percent of unserved locations would be served by either priority or reliable service within the available BEAD allocation budget for the state.

a. If this assessment indicates that the level of service that would be provided to BEAD-eligible locations could be improved, the office will apply the extremely high location threshold (EHCT).

4. The office will conduct a final review of selected proposals to confirm that the total set of awards to each

prospective subgrantee is consistent with the financial, operational and managerial capabilities submitted in the pre-qualification process, confidentially engaging with specific providers if needed to confirm or clarify any identified issues, and reserving the ability if necessary to select an alternative proposal if any concerns about the ability of the provider to deliver on all awards remain. The office will publicly announce all awards selected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:506 (April 2024).

### **§1303. Prioritization and Scoring Process**

A. In Round 1, prospective subgrantees must specify the amount of requested BEAD funding for each application, expressed as a percentage of the total reference amount for all SPAs included in the application.

B. Prospective subgrantees also must submit scoreable application elements for affordability, fair labor practices, speed to deployment, inclusion of economically challenged or critical resilience SPAs, and network technical capabilities.

C.1. After Round 1 submissions, two categories of applications will be awarded:

a. FTTH applications that do not overlap with any other application of any technology type, and that request funding no greater than the reference funding levels for all included SPAs; or

b. FTTH applications that achieve a decisively higher score at least 100 points better than any overlapping application of any technology type (informally referred to below as “decisively higher score” applications).

2. Round 1 applications that overlap with awards made in either of these categories will be deemed withdrawn, although applicants will be permitted to resubmit any non-overlapping SPAs in Round 2.

D. Unawarded Round 1 applications will be automatically moved forward to Round 2 and may not be withdrawn. Prospective subgrantees in Round 2 then have the option to either let Round 1 applications stand as-is, or to make modifications as follows:

1. The addition of SPAs not already awarded in Round 1, subject to the limit that a given SPA may not be included in more than two active applications from the same prospective subgrantee; and/or

2. A change to the requested subsidy amount (an increase no greater than the reference amount of funding available in any new SPAs added to an application in Round 2, or a decrease if not). Prospective subgrantees may not remove SPAs from any Round 1 application that is automatically carried forward to Round 2.

E. As in Round 1, new Round 2 applications may be made up of any combination of SPAs, subject to the constraint that such new Round 2 applications may comprise only SPAs that did not receive a Round 1 application. (Note that any unawarded SPA, whether it received any Round 1 interest, always also may be added to an existing Round 1 application.) Otherwise, such new Round 2 applications must follow the same approach as Round 1 applications.

F. After receiving all Round 2 submissions, the office will first rank all FTTH applications from highest to lowest score. By definition, Round 2 applications will not overlap

with any previously awarded SPAs; therefore the highest scored Round 2 FTTH application will be provisionally awarded for all included SPAs at the total requested overall funding level. The office will then review each next-highest ranked FTTH application in order, applying the provisional selection and de-confliction rules between any overlapping FTTH applications.

G. After all available FTTH applications are resolved using this process, all non-FTTH applications will similarly be ranked from highest to lowest score, with reliable service (cable/HFC and licensed fixed wireless) applications being placed ahead of other terrestrial (unlicensed fixed wireless) applications. In addition, the secondary scoring criterion of speed of network will create an additional score-based prioritization as between non-FTTH applications.

H. Only after all priority projects have been either awarded in full, partially awarded based on deconfliction procedures or discarded due to overlap with a higher-scored priority project, will non-priority projects be evaluated. Overlapping non-FTTH applications will be selected and de-conflicted with each other using the same procedure.

I. Criteria and Maximum Points Available

Primary Criteria	Max points available	601
Minimal BEAD Outlay	300	Based on percent of reference funding level requested for a total project area
Affordability	200	Based on the applicant's commitment to support affordability in BEAD areas consistent with other areas of the state
Fair Labor Practices	101	Score based on compliance record
Secondary and Additional Criteria	Max points available	197
Speed to Deployment	12	Points for enforceable deployment plans faster than 48 months
Economically Disadvantaged Areas	25	Additional points for including economically challenged SPAs
Infrastructure Resiliency Commitments	100	Additional points for buried fiber and for commitments to designated SPAs lacking mobile broadband resiliency infrastructure
Number of Eligible Locations Included Within a Parish	35	Additional points for applications covering greater numbers of eligible locations within a given parish
Speed of Network	25	25 points for FTTH projects; non-FTTH scoring based on performance levels and scalability of non-FTTH networks

1. Primary Criteria—Minimal Bead Outlay

a. Each application in each of Round 1 and Round 2, will be scored based on the amount of requested BEAD funding as follows:

i. For applications requesting no more than the amount of reference funding set for the applicable round for all included SPA(s)

(a). Score = 300- [percent of reference funding requested, rounded to the nearest whole integer value].

ii. Applicants are permitted to request up to 200 percent of the reference amount. For applications requesting more than the amount of reference funding for all included SPA(s):

(a). Score = 100- [percent of reference funding requested – 100, rounded to the nearest whole integer value].

(b). The application system will not accept funding requests greater than 200 percent of the reference funding.

(c). The maximum score for any application requesting more than the reference funding will be 100.

b. Maximum awardable points: 300

2. Primary Criteria—Affordability

a. Following Louisiana statutory requirements. GUMBO 2.0 does not require subgrantees to offer any particular rate for any particular tier of service, although existing Louisiana law does impose certain requirements on existing in-state providers as described below. Instead, this federally mandated scoring category offers applicants the opportunity to obtain additional points via voluntary affordability commitments of their choosing, with scoring defined as follows:

i. This affordability scoring approach follows the provision of Louisiana law requiring that “[a] grant recipient that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state.” This statutory Louisiana requirement shall be implemented as a subgrant condition, for a duration of time as required by final NTIA guidance, for any subgrant recipient meeting that definition, with “prices consistent with offers to consumers in other areas of the state” scored as an affordability commitment using the methodology below.

b. Affordability score for FTTH projects: 200 points. Following Louisiana law, and applying the mandatory federal requirement in the BEAD NOFO that a primary scoring criterion must be “[t]he prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area,” a base score of 200 points in this category will be awarded as follows.

i. Compliance with Louisiana law on Affordability, if applicable to the prospective subgrantee. Any applicant that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years that includes a commitment to provide 1 Gbps/1Gbps service in its proposed BEAD subgrant area at a price no higher than its offer to consumers for 1 Gbps/1 Gbps service in other areas of the state will receive a score of 200 points.

ii. Alternate Method of Achieving a Full Baseline Score. An applicant that has not offered broadband service to at least one thousand customers for a period of at least five consecutive years, or an applicant that does not otherwise offer 1 Gbps/1Gbps service, that includes a commitment to provide 1 Gbps/1Gbps service to all included locations in its application at a price no higher than the median price for all 1Gbps/1Gbps service offerings reported in the most recent year’s FCC Urban Rate Survey will receive a base score of 200 points.

c. Affordability score for non-FTTH projects: 200 points. For non-FTTH projects, the mandatory federal

requirement in the BEAD NOFO is that a primary scoring criterion must be “[t]he prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100 Mbps/20 Mbps service in the project area.”

i. Compliance with Louisiana law on Affordability, if applicable to the prospective subgrantee: 200 points. Any applicant that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years that includes a commitment to provide 100 Mbps/20 Mbps service in its proposed BEAD subgrant area at a price no higher than its offer to consumers for 100 Mbps/20 Mbps service in other areas of the state will receive a score of 200 points.

ii. Alternate Method of Achieving a Full Baseline Score. An applicant that has not offered broadband service to at least one thousand customers for a period of at least five consecutive years, or an applicant that does not otherwise offer 100 Mbps/20 Mbps service, that includes a commitment to provide 100 Mbps/20 Mbps service to all included locations in its application at a price no higher than the median price for all 100 Mbps/20 Mbps service offerings reported in the most recent year’s FCC Urban Rate Survey will receive a base score of 200 points.

d. Use of FCC Urban Rate Survey. If applicable to a subgrantee using the alternate methods outlined above, the FCC Urban Rate Survey will be used as follows:

i. For each subgrant performance year covered by an applicable subgrantee commitment, the state will use the prior year’s FCC Urban Rate Survey broadband data for the state of Louisiana.

ii. On the first business day of the year, the state will determine that year’s median price for 1Gbps/1Gbps service and for 100 Mbps/20 Mbps service that will be applicable to the GUMBO 2.0 program for the coming year.

iii. If a given year’s survey results do not contain any service tiers precisely at 1Gbps/1Gbps or 100 Mbps/20 Mbps, the closest comparable service tier result will be used.

e. Other provisions.

i. The applicable affordability commitments shall be updated annually beginning upon final issuance of the subgrant.

ii. If at any point during the performance of a subgrant a subgrantee becomes subject to Louisiana’s statutory affordability requirement by virtue of having delivered broadband service to at least 1000 consumers for a period of five consecutive years, the required subgrant affordability commitment shall be based on state law, as applicable.

f. Maximum awardable points: 200

3. Primary Criteria—Fair Labor Practices

a. Record of Compliance with Federal Labor and Employment Law. Any applicant that certifies a record of past compliance with Federal labor and employment law with respect to broadband deployment projects, as supported by submitted information as specified below, shall receive points as follows:

i. applicants able to certify a record of compliance for at least three years will receive 80 points.

ii. applicants also able to so certify a record of compliance for four years will receive 5 additional points.

iii. applicants also able to so certify a record of compliance for five or more years will receive 6 additional points.

iv. applicants that cannot certify compliance with Federal labor and employment law with respect to broadband deployment projects within the last three years, including new entrants that have not completed a broadband deployment project in that time frame, shall be eligible for points.

b. Plan for Ensuring Compliance with Federal Labor and Employment Law. Applicants shall receive points as follows.

i. Any applicant that provides a plan that meets the baseline compliance plan requirements as specified shall receive 10 points.

ii. Applicants may also achieve additional points, subject to the total category maximum of 101 points, based on including in their compliance plans additional elements as specified below:

(a). one additional element only: 40 additional points;

(b). two additional elements: 70 additional points;

(c). three or more additional elements: 90 additional points.

c. The table below summarizes the total points awarded for different combinations of past compliance records and prospective compliance plans under of this scoring approach.

Years of compliance	<3 years	3	4	5+
Baseline compliance plan	10	90	95	101
+ 1 additional element	50	101	101	101
+ 2 additional elements	80	101	101	101
+3 or more additional elements	100	101	101	101

d. Applicants shall be permitted to have a single statewide workforce plan that applies to all applications, or to propose different workforce plans for individual applications.

e. Maximum awardable points: 101

4. Secondary and Additional Criteria

a. Speed to Deployment

i. Any application that certifies, including binding commitments and assumption of contractual liability for penalties established by the state for non-compliance, that deployment to all included eligible locations will be completed in less than the 48 months required by BEAD shall receive additional points as follows:

a. [48-(number of months to complete deployment, rounded up to the next whole month)] / 4

ii. Maximum awardable points: 12

b. Economically Disadvantaged Areas

i. Any application that includes ED-SPAs shall receive additional points as follows.

(a). 15 points: Include all ED-SPAs within a given parish.

(b). 1 point: Any individual ED-SPA, but not all within a parish

ii. Maximum awardable points: 25

c. Infrastructure Hardening and Resiliency Commitments

i. Any application for the deployment of fiber infrastructure to last-mile eligible locations that includes an enforceable commitment to the infrastructure hardening step of including at least 90 percent buried fiber plant, including 100 percent buried plant to eligible CAIs, unless a specific exception is granted, as specified in will receive 30 points.

ii. Any application involving the deployment of new wireless tower infrastructure that includes an enforceable commitment to the Wireless Tower Hardening specifications provided will receive 20 points. This point total shall be applied once for an entire application, irrespective of the number of such hardened towers included.

iii. In addition, any application that includes at least one critical resiliency need (CRN)-SPA and includes an enforceable commitment to deploy necessary mobile broadband infrastructure to achieve the resiliency requirements of the CRN designation, following all requirements as detailed shall receive additional points as follows:

(a). 40 points: Include all CRN-SPAs within a given parish.

(b). 10 points: Any individual CRN-SPA, but not all within a parish.

(c). Any award of points in this category is subject to the state’s technical review of the satisfactoriness of proposed plans to fulfill specified resiliency capabilities, according to the specifications provided in section 2.11.1.D.

iv. Applications may receive points for any combination of commitments in these areas, but the total points available in this overall category to any application is capped at the maximum total awardable points level below.

v. Maximum total awardable points: 100.

d. Number of Eligible Locations within a Given Parish

i. During the review of each application, the state will total the number of eligible locations within all included SPAs in each Louisiana parish within the application and identify the highest such count.

ii. Applications shall receive additional points based on this highest count value as follows.

(a). 10 points: An application that includes at least 500 eligible locations within a single parish.

(b). 20 points: An application that includes at least 2000 eligible locations within a given parish.

(c). 30 points: An application that includes 5000 eligible locations or more within a given parish.

(d). 35 points: An application that includes 100 percent of eligible locations within a given parish, only if the applicable highest count value is greater than 2000 eligible locations.

iii. Maximum total awardable points per application: 35

e. Speed of Network

i. FTTH applications shall receive 25 points in this category.

ii. Non-FTTH applications only shall be scored based on certified speed and latency performance commitments that are enforceable subgrant conditions and subject to verification after deployment to all eligible BSLs as well as on length of useful life of the proposed infrastructure and future scalability.

(a). Speed and latency performance characteristics, as certified by the applicant and subject to technical review and verification by the state, shall receive points as follows.

Minimum downstream/upstream speed (Mbps)	Maximum latency (milliseconds)	Points awarded
100/20	100	2
200/50	100	4
400/100	100	10
1000/250	100	20

(b). To receive points in any of these categories, the state’s technical review must confirm that the proposed network design has the ability deliver the above performance levels to all eligible locations within an application, including reasonable assessment of how the proposed network can add incremental capacity in a cost-effective manner as new customers are added.

(c). Total awardable sub-category points for non-FTTH networks: 20

iii. For non-FTTH technologies, the length of useful life and future scalability, as certified by the applicant and subject to technical review and verification by the state, shall receive points as follows.

(a). Useful life of funded infrastructure, as assessed by the state:

(i). <5 years: 0 points

(ii). 5-10 years: 1 point

(iii). 10+ years: 2 points

(b). Cost-effectiveness of future scalability to significantly performance levels of proposed technology, as assessed by the state:

(i). ineffective: 0 points

(ii). somewhat cost effective: 1 point

(iii). very cost effective: 2 points

(c). Total awardable sub-category points for non-FTTH networks: 4

iv. Maximum awardable Speed of Network points: 25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:506 (April 2024).

**§1305. Prioritizing Unserved Service Projects**

A. A GUMBO 2.0 application is defined as a set of SPAs. The inclusion of an SPA in an application carries an obligation to deploy to all eligible locations in the SPA if the application is awarded. All application plans and commitments such as for affordability, technology type, and performance level must apply to all eligible locations within included SPAs.

B. The office may, prior to making final subgrant awards, remove certain locations from a subgrant in order to ensure compliance with the BEAD-required prioritization of all unserved locations first, then underserved locations, and



then CAIs. In such cases, the state would adjust the subgrant award amount to account for the removal of certain locations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:509 (April 2024).

### **§1307. Prioritizing Eligible CAIs**

A. Deployment to all eligible CAIs shall be prioritized before making funds available for non-deployment projects.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1309. Compliance with EHP and BABA Requirements**

A. Projects must be in adherence to the requirements of any applicable laws: Build America, Buy America Act (BABA), the National Environmental Policy Act (NEPA) (42 U.S.C. §4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. §300101 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1311. Definition of Eligible Project Areas**

A. All prospective subgrantees shall define their overall application areas as a set of pre-defined sub-project areas. A project area is the overall proposed deployment area included in an application, comprising the eligible locations within the set of SPAs included in the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1313. Ensuring Universal Coverage in Subsequent**

#### **Funding Rounds**

A. If coverage gaps remain after the first rounds, to close these remaining coverage gaps, the office may begin targeted outreach and negotiation strategy with the proximate providers and/or newly awarded subgrantees with the greatest apparent ability to make targeted extensions of service to individual locations passed over in the main GUMBO 2.0 process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1315. Tribal Government Consent**

A. Prospective subgrantees with plans to build within any of the tribal lands shall provide a Resolution of Consent or other formal demonstration of consent from each tribal government's tribal council or other governing body, upon whose tribal lands the infrastructure will be deployed. The office will require that the resolution of consent, or any substitute document used at request of the tribal government, be submitted by the prospective subgrantee at the time of application along with other relevant documents demonstrating that holistic local coordination occurred. This will ensure that the proper documentation is obtained for submission and approval of the final proposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1317. Identification of Extremely High Cost per Location Threshold**

A. The EHCT will be determined based on funding requirements for actual subgrant proposals received in the state of Louisiana. The GUMBO 2.0 EHCT mechanism therefore will permit the office, pursuant to BEAD rules, to select certain non-FTTH applications instead of FTTH if the overall result is to expand the number of eligible locations receiving access to at least reliable broadband service to the extent doing so fully with priority projects proves impossible based on actual subgrant proposals received.

B. The office may set the final EHCT value at a level above the per-location cost of all awarded FTTH applications for purposes of Final Proposal submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1319. Use of Extremely High Cost per Location Threshold**

A. An EHCT will be identified and utilized as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1321. Ensuring Minimum Financial Capability**

A.1. To submit a grant application, prospective subgrantees shall provide details to complete a review of financial capability, including but not limited to the following.

a. Obtain the five years of financial statements, pro forma statements or financial audits submitted by each applicant or the financial statements for each year that the applicant has been in business if less than five years. Ensure that the complete financial statements were submitted. If financial statements are not available, search for the applicant's SEC Form 10-K filing. Using the audited financial statements, reviewed the unaudited financial statements for reasonableness. Review the financial statements, if audited, to determine if there is a going concern disclosure in the audit report.

b. Determine whether the applicant's business status is active in Louisiana, whether the applicant has filed for bankruptcy, and whether the company is involved in any lawsuits.

c. Determine the funding sources for the project.

d. Review the balance sheet, statement of operations and statement of cash flows to determine if the applicant is steady and/or growing. Use EBITDA margin to assist in this analysis. Calculate the current ratio (current assets/current liabilities). Calculate the debt to assets ratio (total debts/total assets).

2. Documentation related to the requirements above will be collected and reviewed by qualified personnel to ensure a clear plan for determination of participation is in place.

B. Required Qualifications for Financial Obligations. The office will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a project, that the prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all requirements, including service milestones. Disbursement of funding to subgrantees after the initial 10 percent draw is only done upon completion of a technical and compliance audit at specific established thresholds of the number of locations served out of the total number to be served by a project (10 percent, 35 percent, 65 percent, 85 percent, 100 percent). Each subgrantee shall certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the project until such time as the office authorizes additional disbursements.

C. Required model letter of credit in accordance with related guidance from NTIA.

D. For applicants obtaining a performance bond, the office will require applicants to follow all requirements and related guidance from NTIA including those specified in the limited waiver.

E. Required Audited Financial Statements. Each prospective subgrantee shall submit financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant.

F. Required Business Plans and Financial Analysis. Prospective subgrantees shall submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project. Additionally, prospective subgrantees should provide pertinent resumes of key staff assigned to a proposed project and a matrix illustrating how the skills of lead staff with business plan deliverables. Evaluation of business plans and related analyses will be completed by qualified personnel to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the prospective subgrantee. Reviews could include, but not be limited to the following:

1. executive summary assessment
2. project description review
3. market analysis review
4. competitive analysis review
5. technical and operational plan review
6. risk assessment review
7. legal and regulatory compliance
8. management team review
9. sustainability and environmental impact review

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:510 (April 2024).

### **§1323. Supporting Documentation for BEAD Subgrantee Selection Process**

A. The office shall incorporate specific intake questions and publish them for applicants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:511 (April 2024).

### **§1325. Ensuring Managerial Capability**

A. To submit a grant application, prospective subgrantees shall provide the details listed below related to managerial capability.

1. Resumes for Key Personnel Requirement. To submit a grant application, prospective subgrantees shall provide resumes for all key management personnel, documentation will be collected and reviewed by qualified personnel.

2. Readiness to Manage Proposed Project Requirement. To submit a grant application, prospective subgrantees shall provide the details listed below related to managerial capability.

a. Project organizational chart(s) and corporate relationships detailing all parents, subsidiaries, and affiliates.

b. A narrative describing the prospective subgrantee's readiness to manage a broadband services network. This narrative should include at a minimum the experience and qualifications of key management set to undertake this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies.

c. A matrix illustrating how the skills of lead staff align with business plan deliverables.

3. Documentation related to the requirements above will be collected and reviewed by qualified personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:511 (April 2024).

### **§1327. Ensuring Technical Capability**

A. To submit a grant application, prospective subgrantees shall provide details related to technical capability.

B. Documentation related to the requirements below will be collected and reviewed by qualified personnel.

1. Technical Qualification for Implementation and Credentialed Workforce. Prospective subgrantees must submit certification to ConnectLA that they are technically qualified to complete and operate the Project and that they can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce. Documentation to be provided by the prospective subgrantee includes, but is not limited to the following:

a. documentation of current licensing with governing bodies to operate in Louisiana;

b. attestation of current Louisiana licensing for any engineers who certify design, diagrams, project costs, etc.;

c. demonstration of experience designing and delivering similar projects of size, complexity and timeline.

2. Proposed Project Workplan Requirement. Prospective subgrantees shall submit certification to ConnectLA that they are technically qualified to complete and operate the project and that they can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce. Documentation to be provided by the prospective subgrantee includes, but is not limited to the following:

a. project plan description that clearly identifies the steps (including but not limited to planning, design, implementation and operation) of the capital investment schedule. Project planning should also include at a minimum network design, diagrams, project costs, timelines, evidence of build-out within the timeline identified;

b. attestation that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:21-33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:511 (April 2024).

### **§1329. Ensuring Compliance with Applicable Laws**

A. To submit a grant application, prospective subgrantees shall provide details related to compliance with applicable laws.

1. Compliance with Federal, State, and Local Laws. To submit a grant application, prospective subgrantees shall provide the details listed below related to compliance with applicable laws:

2. Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs, including disclosure of any default on any federal or state obligation associated with grants for broadband deployment.

B. Any GUMBO 2.0 subgrantee also subject to deployment obligations elsewhere in Louisiana, including from programs such as RDOF, Enhanced-ACAM, ReConnect or any other similar program included in the BEAD de-duplication process, must make an enforceable commitment as part of its GUMBO 2.0 subgrant agreement not to default or otherwise fail to fulfill any such deployment obligation in the state of Louisiana. The penalty for breach of this commitment shall be, as reimbursement for funding that could have been awarded but for other federal program funding, payment to the state in the amount equal to the total investment cost of all defaulted locations, as measured by the eligible entity tool provided to the state by NTIA.

C. Worker-Led Health and Safety Committees. To submit a grant application, prospective subgrantees shall provide the details listed below related to compliance with applicable laws:

1. policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. Details from NTIA's Workforce Planning Guide may be utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:512 (April 2024).

### **§1331. Ensuring Operational Capabilities**

A Required Operational Qualifications. To submit a grant application, prospective subgrantee shall provide the details listed below related to operational capability.

1. A prospective subgrantee will provide operational details including but not limited to the following:

a. years providing internet service;

b. current subscribers (households, businesses and community anchor institutions)

c. completed federally funded deployment projects, with their source of funding and timeframe for completion or non-completion;

d. penalties paid by the prospective subgrantee, a subsidiary or affiliate of the prospective subgrantee or the holding company of the prospective subgrantee relative to deployment projects;

e. the number of times prospective subgrantee has ever been a defendant in a state of Louisiana criminal proceeding or civil litigation relevant to qualifications to deployment broadband infrastructure; and

f. whether the prospective subgrantee has ever defaulted on a federal or state obligation to deploy broadband infrastructure and if so, to provide a summary.

B. Required Number of Years in Operation. To submit a grant application, prospective subgrantee shall provide the details listed below related to operational capability:

1. A prospective subgrantee that has provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, must submit a certification that attests to these facts and specifies the number of years the prospective subgrantee or its parent company has been operating.

C. Required Compliance with FCC Form 477, Rules, and Regulation. To submit a grant application, prospective subgrantee shall provide the details listed below related to operational capability:

1. If the prospective subgrantee has provided a voice and/or broadband service, it must certify that it has timely filed their Federal Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this period, and otherwise has complied with the commission's rules and regulations. Alternatively, a prospective subgrantee should explain any notice of funding opportunity pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with commission rules or regulations.

D. Required Operating and Financial Reports for Electric Transmission or Distribution Services. To submit a grant application, a prospective subgrantee shall provide the details listed below related to operational capability.

1. If the prospective subgrantee has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with

the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

E. Required Operational Capabilities for New Entrants. To submit a grant application, prospective subgrantee shall provide the details listed below related to operational capability.

1. For a new entrant to the broadband market, a prospective subgrantee must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors or other partners with relevant operational experience or other comparable evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:512 (April 2024).

### **§1333. Ensuring Ownership**

A. To submit a grant application, prospective subgrantee shall provide details related to ensuring ownership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:513 (April 2024).

### **§1335. Disclosure of Other Publicly Funded Projects**

A. To submit a grant application, prospective subgrantees shall provide the details listed below related to disclosure of other publicly funded projects.

1. Disclosure of Existing or Future Publicly-Funded Projects. To submit a grant application, prospective subgrantees shall provide the details listed below related to public funding.

a. Each prospective subgrantee shall disclose, for itself and for its affiliates, any application the prospective subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the prospective subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under:

i. Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178);

ii. CARES Act (Public Law 116-136; 134 Stat. 281);

iii. Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182);

iv. American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4);

v. Federal Universal Service Fund high-cost program (e.g., RDOF, CAF);

vi. any eligible entity or local universal service or broadband deployment funding program.

b. The prospective subgrantee shall disclose if any details as noted above change or adjusts in any way after the submission of an application.

2. Detailed Information for Existing or Future Publicly-Funded Projects. To submit a grant application, prospective subgrantees shall provide the details listed below related to public funding:

a. the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules);

b. the geographic area to be covered;

c. the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);

d. the amount of public funding to be used;

e. the cost of service to the consumer; and

f. the matching commitment, if any, provided by the prospective subgrantee or its affiliates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:513 (April 2024).

## **Chapter 15. Non-Deployment Subgrantee Selection**

### **§1501. Fair, Open and Competitive Non-Deployment Selection Process**

A. If funds remain for nondeployment, two main items will be prioritized:

1. Priority 1 (20 percent of funds available for non-deployment)—Creation of the Louisiana CASH Program to be administered by a state agency with experience executing federal programs, such as the Department of Children and Family Services, Office of Community Development, Department of Health or Louisiana Board of Regents or other.

2. Priority 2 (80 percent of funds available for non-deployment). In line with the BEAD Notice of Funding Opportunity, additional non- deployment activities related to the following will be accepted:

a. user training with respect to cybersecurity, privacy and other digital safety matters.

b. remote learning or telehealth services/facilities.

c. digital literacy/upskilling (from beginner level to advanced).

d. computer science, coding and cybersecurity education programs.

e. implementation of eligible entity digital equity plans (to supplement, but not to duplicate or supplant, planning grant funds received by the eligible entity in connection with the Digital Equity Act of 2021).

f. broadband sign-up assistance and programs that provide technology support.

g. multi-lingual outreach to support adoption and digital literacy.

h. prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills, etc.

i. digital navigators.

j. direct subsidies for use toward broadband subscription, where the eligible entity shows the subsidies will improve affordability for the end user population (and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program).

k. costs associated with stakeholder engagement, including travel, capacity-building or contract support.

l. other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described in Section V.H.2 of the NOFO.

m. Activities related to the incorporation of “smart” technologies and capabilities into farming practices, due to Louisiana being a heavy agriculture-producing state and the unique competitive advantage of spearheading specific smart technologies in this sector.

B. Below is a description of the process that adheres to these principles.

1. Announcement and Public Notice. The availability of funding for eligible non-deployment activities will be published. This announcement will include detailed information about the application process, eligibility criteria and evaluation criteria. Notice will be made available for at least a 60-day period.

2. Eligibility Screening. There will be an initial screening of the applications to determine their eligibility based on the criteria outlined in the program guidelines. This screening will ensure that the applicants meet the basic requirements for participation.

3. Evaluation Criteria. There will be a set of objective evaluation criteria that will be used to assess the applications. These criteria will be established in advance and communicated to all potential applicants.

a. Priority will be given to applicants with effective models for addressing the existing skill gaps in our labor force as well as other workforce training and readiness initiatives, including those that provide equitable instruction and outreach to all working-age individuals.

4. Review Panel. A review panel comprising subject matter experts, industry professionals and other relevant stakeholders, including “lived experts” such as affected residents, representatives from community anchor institutions or community leaders from faith-based, business based and non-profit organizations will be utilized. The panel members will have the necessary expertise to evaluate the applications based on the predetermined evaluation criteria. Panel members shall disclose any conflicts of interest that may arise from their participation in the process.

5. Evaluation Process: The review panel will individually review and evaluate each application based on the established criteria. They may use a scoring system or a qualitative assessment to ensure consistency and objectivity in the evaluation process.

6. Transparency and Public Input. A list of selected subgrantees will be published online, along with a summary of the evaluation process.

7. Appeals/Protest Process. An appeals process will be used that allows applicants to seek a review of the selection decision if they believe there were procedural errors or inconsistencies in the evaluation process. The protest process, official decisions and provider appeals shall be conducted in accordance with La. R.S. 51:2370.27(F) and 2370.28. The period for protesting an award shall not exceed seven days from the announcement of awards. The appeals process will provide a fair opportunity for applicants to present their case, and a separate review panel or independent entity may be involved in the appeal evaluation. Detailed announcements that include information about the

application process, eligibility criteria and evaluation criteria will be published to ensure that numerous stakeholder groups or potential applicants are aware of the availability of funds and the steps necessary to apply.

C. Below is a scoring system that will be used as part of the subgrantee selection process for eligible non-deployment activities in the BEAD program:

1. Effect on Broadband Availability (30 points). Evaluate the potential effect of the proposed activities on improving broadband availability and access in underserved areas. Evaluate factors such as the number of households or businesses that will benefit, location within economically disadvantaged areas, the expected increase in broadband speeds and the overall significance of the project in addressing the digital divide.

2. Feasibility and Viability (25 points). Assess the feasibility and viability of the project. Consider the technical and operational aspects, including the proposed timeline, budget and resources required for successful implementation. Evaluate the applicant's capacity to carry out the project effectively, including their track record, partnerships and relevant experience including:

a. financial capability including certification applicant is financially qualified, letter of credit or performance bond (as consistent with NTIA’s Limited Waiver requirements) as applicable to non-deployment subgrant awards, audited financial statements, sustainability/business plan;

b. managerial capability including resumes for key individuals and narrative describing experience and readiness to carry out the project;

c. technical capability including certification applicant is technically qualified to complete and operate the project and detailed project plan;

d. compliance with laws including demonstrating ability to comply with all applicable laws;

e. operational capability including appropriate certifications or attestations to operational experience;

f. ownership information as described;

g. other public funding including disclosure of other broadband deployment projects.

3. Project Management Plan (20 points). Evaluate the quality of the project management plan presented by the applicant. Evaluate the clarity and comprehensiveness of the plan, including objectives, milestones, deliverables and risk mitigation strategies. Assess the applicant's ability to execute the project efficiently and effectively.

4. Partnerships and Collaboration (15 points). Assess the strength and relevance of the applicant's partnerships and collaborations. Evaluate the involvement of local community organizations, government entities, educational institutions and other stakeholders. Evaluate how these partnerships contribute to the success and sustainability of the project.

5. Budget and Cost-Effectiveness (10 points). Evaluate the proposed budget and cost-effectiveness of the project. Assess the reasonableness of the budget in relation to the proposed activities and expected outcomes. Evaluate the cost-effectiveness of the project in terms of the number of beneficiaries and the expected impact on broadband access.

6. The total score for each application will be calculated by summing up the scores from each criterion.

The applicants with the highest overall scores will be selected as subgrantees for eligible non-deployment activities in the BEAD program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:513 (April 2024).

### **§1503. Non-Deployment Project Plans**

#### **A. Selection Process and Initiatives**

1. The following needs will be prioritized and metrics evaluated.

a. Return on investment for the state and its residents: the initiative will have a generational effect on residents of the state and will address the digital divide sustainably and permanently.

b. Addresses identified component of the digital divide: the non-deployment initiative addresses a component of the digital divide beyond access to broadband infrastructure that is supported by data from the Louisiana Digital Equity Plan.

c. Innovative solutions—the non-deployment initiative addresses an aspect of the digital divide without a current solution or supplements an existing solution in an innovative manner.

d. Capacity and experience: organizations in the prospective pool of subgrantees generally have the experience and organizational capacity necessary to administer a potentially significant program.

B. Addressing Residents' Needs. Nondeployment initiatives will be prioritized in accordance with addressing residents' needs regarding access to healthcare, education, employment and essential services.

C. Stakeholder Engagement Alignment. Grant applicants must conduct stakeholder engagement with local and tribal governments, as well as their citizens, to provide regular updates on project applications, award status, and construction status.

D. Effectiveness of Non-Deployment Activities to Meet BEAD Goals. Non-deployment funds must be used to satisfy the requirements of the BEAD program and may be used supplement funding from the Digital Equity Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:515 (April 2024).

### **§1505. Ensuring the Priority of Universal Coverage**

A. Awards are not final until approval of the final proposal and ensuring universal coverage of BSLs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:515 (April 2024).

### **§1507. Ensuring General Qualifications**

A. Prior to entering into any subgrantee agreement, applicants will certify they are:

1. Capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state and local laws.

2. Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the program and such other requirements as

have been prescribed by the assistant secretary or ConnectLA.

3. Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

B. To submit a grant application, prospective subgrantees shall provide the details listed below related to the items defined above.

C. To participate, prospective subgrantees must demonstrate suitable organizational and management capabilities. To determine whether applicants meet this criterion, prospective subgrantees and private sector partners must meet requirements defined by the assistant secretary and/or ConnectLA. Minimum compliance standards, methodology for review of standards and evidence/documentation required to make a determination of award are documented as part of the proposed scoring and review criteria listed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:515 (April 2024).

## **Chapter 17. Low-Cost Broadband Service Option**

### **§1701. Required Subgrantee Low-Cost Broadband Service**

A. GUBMO 2.0 applicants and subgrantees may request a modification to their low-cost service option from the \$30 target effective rate as follows.

1. In no case may the offered rate exceed the \$65 average rate for comparable service plans in Louisiana as reflected in the 2023 FCC Urban Rate Survey, as adjusted for annual inflation as described below.

2. Modifications to offered rates to a level between \$30 and the \$65 not to exceed (NTE) level may be granted based on evidence supporting the newly proposed rate:

a. Per-subscriber costs in an area indicating that the target effective rate above would be financially unsustainable; and/or

b. The impact on average revenue per user (ARPU) and total project revenue of the target effective rate above would be financially unsustainable given actual or projected subscriber adoption patterns.

i. If a modification request is granted, the new modified level shall remain the maximum Not to Exceed offered rate for the provider for the duration of the federal interest.

B. All subgrantees ~~to~~ must offer to eligible households at locations included in a subgrant award a low-cost broadband service option as follows:

1. an end-user effective rate of \$30 per month for a service offering of 100 Mbps downstream, 20 Mbps upstream, and a minimum latency of 100 milliseconds.

2. GUMBO 2.0 applicants and subgrantees may request modifications to this rate based on evidence of financial non-viability, but the rate must always be at or below the initial \$65 not to exceed level, subject to adjustment for inflation as provided below;

3. is available to all households eligible for the Affordable Connectivity Program or a successor program as modified by congress;

4. the rate specified or subsequently modified, as well as the other provisions identified in this section, for this

service option will be a contractual requirement of awardees for the duration of the federal interest, as specified by NTIA;

5. in the event that the FCC during the period of this obligation revises the federal definition of broadband to a performance level that is higher than the 100/20 standard required currently for BEAD, that new federal definition shall become the required performance standard;

6. allows the end user to apply the ACP benefit to the service price and encourages customers to participate in the ACP or successor program(s);

7. the specified price may be adjusted once per year based on the to the consumer price index, up to a maximum annual upward adjustment of 3.0 percent or the prior year level, as defined by the U.S. Bureau of Labor Statistics, beginning with an adjustment in the first new calendar year after the date of approval of this Initial Proposal Volume 2 by NTIA;

8. is not subject to data caps, installation or other non-recurring charges, surcharges or usage-based performance reductions, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere;

9. in the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost;

10. to make households within subgrant service areas aware of the availability of the low-cost plan via public awareness campaign activities, as mandated by NOFO IV.C.2.c.iv.

#### C. Service Initiation Cost

1. Installation fees or any other non-recurring charge may not be assessed for households adopting the low-cost service option.

#### D. Basic Service Characteristics

1. Providers will be held to performance requirements as established by the BEAD program, with download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps.

2. Provides typical latency measurements of no more than 100 milliseconds.

3. Is not subject to data caps, surcharges or usage-based performance reductions, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.

#### E. Affordable Connectivity Subsidy

1. Subscribers using the low-cost broadband service option must be ACP eligible or eligible for a successor program enacted by Congress, and must also be permitted to apply the prevailing ACP subsidy amount toward the plan's rate.

#### F. Ability to Upgrade to New Low-Cost Option

1. The rate specified, as well as the other provisions identified in this section, for this service option will be a contractual requirement of awardees for the duration of the federal interest, as specified by NTIA. In the event that the FCC, during the period of this obligation, revises the federal definition of broadband to a performance level that is higher than the 100/20 standard required currently for BEAD, that

new federal definition shall be the required performance standard.

2. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.

3. If the provider voluntarily offers other low-cost plans elsewhere in the state of Louisiana, the provider must make the same offer(s) available on identical terms to households associated with all eligible locations included in the BEAD subgrant award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:515 (April 2024).

### **§1703. Certification for Subgrantee Participation in ACP**

A. All subgrantees shall participate in the Affordable Connectivity Program or any successor program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 50:516 (April 2024).

Veneeth Iyengar  
Executive Director

2404#005

## **RULE**

### **Office of the Governor Division of Administration Office of the Commissioner**

#### **Public Meetings via Electronic Means (LAC 4:I.101)**

In accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 39:4, the Division of Administration (DOA), Office of the Commissioner has adopted LAC 4:I.Chapter 9. The purpose of the Rule is to accommodate people with disabilities so that they may participate via electronic means in public meetings of public bodies within the DOA. Such rulemaking is required by Act 393 of the 2023 Regular Session of the Louisiana Legislature, specifically R.S. 42:14(E)(4) and R.S. 42:17.2.1(B). This Rule is hereby adopted on the day of promulgation.

### **Title 4**

### **ADMINISTRATION**

### **Part XXIII. ADA Accessibility**

### **Chapter 1. Public Meetings via Electronic Means**

### **§101. Disability Accommodations**

A. People with disabilities may request access to and participation in public meetings via electronic means for any public bodies within the DOA.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

2. a designated caregiver of such a person; or
3. a participating member of the public body with an ADA-recognized disability.

C. People with disabilities interested in participating via electronic means and/or providing written comments on agenda items should submit such to the DOA designated agency representative listed on the written public notice required by R.S. 42:19 in advance of the applicable meeting.

D. People with disabilities shall be provided the teleconference phone number and/or videoconference link as soon as possible following receipt by the DOA designated agency representative of their request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 50:516 (April 2024).

Patrick Goldsmith  
Deputy Commissioner

2404#060

## RULE

### Office of the Governor Municipal Police Employees' Retirement System

Remote Meetings  
(LAC 58:XVIII.Chapter 19)

The Municipal Police Employees' Retirement System is adopting LAC 58:XVIII.Chapter 19 as authorized by R.S. 42:14(E). This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Board of Trustees of the Municipal Police Employees' Retirement System is adopting a new Chapter 19 to the *Louisiana Administrative Code* that would establish a framework for teleconferencing or video conferencing of Board meetings. This Rule is hereby adopted on the day of promulgation.

#### Title 58 EMPLOYEE BENEFITS

#### Part XVIII. Municipal Police Employees' Retirement System

#### Chapter 19 Remote Meetings

#### §1901. Agency Eligibility

A. The Municipal Police Employees' Retirement System meets the below criteria pursuant to Act 939 to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;
2. has powers, duties, or functions that are not limited in scope to a particular subdivision or region;
3. conducts at least six regularly scheduled meetings in a calendar year; and
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 50:517 (April 2024).

#### §1903. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the Municipal Police Employees' Retirement System shall post the following on the agency's website at [www.lampers.org](http://www.lampers.org):

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:

a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 50:517 (April 2024).

#### §1905. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, the Municipal Police Employees' Retirement System shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. The Municipal Police Employees' Retirement System shall not conduct any more than one-third of its open meetings via electronic means and will only conduct successive meetings via electronic meetings as needed.

C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website at [www.lampers.org](http://www.lampers.org) on an annual basis.

D. All members of the Municipal Police Employees' Retirement System, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote. However, the presiding officer shall be present and shall preside over the meeting at the anchor location.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at [www.lampers.org](http://www.lampers.org).

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 50:517 (April 2024).

#### §1907. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the Municipal Police Employees' Retirement System is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Municipal Police Employees' Retirement System shall ensure that the written public notice of an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.



D. Upon receipt of an accommodation request, the designated agency representative is only permitted to ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

E. The designated agency representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 50:517 (April 2024).

Benjamin A. Huxen, II  
Executive Director/General Counsel

2404#039

## RULE

### Office of the Governor Office of Financial Institutions

#### Private Education Lender Registry (LAC 10:XV.2001-2015)

In compliance with Act 715 of the 2022 Regular Session of the Louisiana Legislature (“Act”), the Office of the Governor, Office of Financial Institutions (“OFI”) has adopted Louisiana Administrative Code 10:XV.2001, et seq., Private Education Lender Registry (“Registry”). Section 1424 of the Act requires OFI to create and publish a registry of private student lenders not later than one year from the effective date of August 1, 2022. Originally enacted as one of three acts beginning with R.S. 6:1401, the Act was subsequently re-designated as Title VI, Chapter 24, Private Education Lender Registry, R.S. 6:1421 through 1424, by the Louisiana Law Institute. To comply with the legislative intent of the Act, private education lenders shall report information specified by R.S. 6:1402 to OFI. In turn, OFI shall publish this information on the internet for public inspection.

A Declaration of Emergency (“Declaration”) was adopted as LAC 10:XV.2001, et seq., on December 1, 2023 to prevent imminent peril to the public health, safety, or welfare in implementation of registration to engage in private education lending. The Act provides that no person shall engage in business as a private education lender in the State of Louisiana without first satisfying the requirements of R.S. 6:1402. The effective date of the Act had the potential of jeopardizing resident borrowers’ ability to obtain private loans necessary to pursue higher education or interrupting resident borrowers’ progress toward earning graduate, post-graduate and doctoral degrees. The Declaration allowed recent high school graduates, and college and university students, to continue their education

without losing or unnecessarily delaying educational and career opportunities. The Declaration further provided for necessary fees for costs of implementation, registration, publication and maintenance of the Registry, as authorized by R.S. 6:1424. OFI began accepting initial registration applications on January 1, 2024 under the Declaration, with the first annual registration renewal period to commence on November 1, 2024 and end on December 31, 2024.

This Rule adopts an identical rule, in accordance with R.S. 49:961 and 962A(5), which will supplant or supersede the Declaration upon final publication of the proposed Rule in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

## Title 10

### FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

#### Part XV. Other Regulated Entities

#### Chapter 20. Private Education Lender Registry

##### §2001. Definitions

*Annual Registration Period*—is the first day of January through the thirty-first day of December for each calendar year, beginning January 1, 2024.

*Annual Registration Renewal Period*—is the first day of November of each calendar year through the thirty-first day of December of each calendar year, beginning November 1, 2024.

*Commissioner*—is the commissioner of the Office of Financial Institutions.

*Expired Registration*—any private education lender registration for which no timely registration renewal application is submitted.

*Lapsed Registration*—any private education lender registration for which no timely or untimely registration renewal application is submitted.

*Lender*—is any private education lender or person extending credit as a private education loan.

*Loan Holder or Holder*—any person owning and servicing any private education loan.

*Loan Owner*—any private education lender to the extent that the person:

1. secures, makes or extends any private education loan to any resident borrower and:

- a. services the private education loan; or
- b. outsources loan servicing of the private education loan to any third party.

2. holds and services any private education loan secured, made or extended by any private education lender.

*Loan Servicing*—includes:

1. receiving any periodic payments from any resident borrower or notification of such payments and application of payments to the resident borrower’s account;

2. maintaining account records for any private education loan and communicating with any resident borrower regarding the loan, on behalf of the loan’s holder or owner, during a period when no payment is required on the private education loan;

3. interactions with any resident borrower, including activities to help prevent default on obligations arising from private education loans, to facilitate the activities described in Paragraphs 1 and 2 of this Subsection.

*NMLS*—is the Nationwide Multistate Licensing System developed by the Conference of State Bank Supervisors and

the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

*Person*—is any individual, partnership, limited liability company, corporation, trust, association, business or nonprofit entity, or other legal entity, or group of individuals, however organized. “Person” shall not include a public corporation, government, or governmental subdivision, agency, or instrumentality.

*Provider of Postsecondary Education*—is any person engaged in the business of providing education beyond high school, including but not limited to two-year and four-year colleges and universities, and occupational or technical training, via correspondence, online, or in this state, to any resident borrower.

*Private Education Lender*—is any person engaged in the business of:

1. securing, making, or extending any private education loan to a resident borrower; and
2. servicing any private education loan that person secured, made or extended to a resident borrower.
3. this term shall not include any:
  - a. person who services a private education loan, to the extent the person does not also secure, make, extend, or own the loan;
  - b. federally insured financial institution, its subsidiaries, and affiliates.

*Private Education Lending*—is engaging in business as a private education lender.

*Private Education Loan*—is any extension of credit to or a debt or obligation owed or incurred by, a resident borrower, contractual or otherwise, contingent or absolute, that meets the following criteria:

1. is not made, insured, or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. 1070 et seq.; or
2. is extended to or owed or incurred by a resident borrower expressly, in whole or in part, for postsecondary education expenses, regardless of whether the extension of credit to or debt or obligation owed or incurred is provided by the provider of postsecondary education that the resident borrower attends.
3. this term shall not include any loan that is secured by immovable property or a dwelling.

*Private Student Loan Registry*—is the official, publicly accessible list of private education lenders registered to secure, make, extend, own or hold private education loans to resident borrowers, compiled and published by the Office of Financial Institutions, in accordance with R.S. 6:1421, et seq.

*Resident Borrower*—is any person:

1. residing in the state;
2. who resided in the State for more than six months in the aggregate during the previous calendar year; or
3. domiciled in the State; and
4. receives a private education loan;
5. agrees to repay a private education loan; or
6. shares responsibilities for repayment of a private education loan with any resident.

*State*—is the state of Louisiana.

*Timely Registration Renewal Application*—is any application for renewal of a private education lender registration submitted between the first day of November and the thirty-first day of December of the annual registration period for which the registration is issued.

*Untimely Registration Renewal Application*—is any application for renewal of a private education lender registration submitted between the first day of January and the last day of February of any calendar year beginning after March 31, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:518 (April 2024).

### **§2003. Registration**

A. All private education lenders shall:

1. register with the commissioner through the NMLS before engaging in private education lending in the state, as required by and in accordance with R.S. 6:1421, et seq.;
2. renew their registration annually, as provided by R.S. 6:1421, et seq., and this rule;
3. maintain all qualifications of a registered private education lender; and
4. cease and desist all business of private education lending upon any of the following:
  - a. failure to submit a timely or untimely registration renewal application for any annual registration period;
  - b. failure to submit all fees and information required by R.S. 6:1421, et seq., or this rule with any initial registration or registration renewal application;
  - c. notice of the commissioner’s denial, suspension, or revocation of any:
    - i. initial or renewal application submitted for any annual registration period; or
    - ii. registration the commissioner issued to the private education lender;
  - d. notice of the commissioner’s removal of the lender from the Private Education Lender Registry.

B. For purposes of registration and maintaining registration with the commissioner, each private education lender shall provide all of the following:

1. a list of all providers of postsecondary education for which private education loans have been secured, made or extended to resident borrowers;
2. the total number of private education loans annually secured, made or extended to:
  - a. resident borrowers;
  - b. resident borrowers enrolled or enrolling in, or attending, each provider of postsecondary education listed in response to Subsection B.1 of this Section; and
  - c. resident borrowers requiring a cosigner;
3. The total dollar amount of private education loans annually secured, made or extended to:
  - a. resident borrowers;
  - b. resident borrowers enrolled in or attending each provider of postsecondary education listed in response to Subsection B.1 of this Section;
  - c. resident borrowers requiring a cosigner;
4. the range of starting interest rates for all private education loans secured, made or extended;

5. the percentage of resident borrowers who receive the starting interest rates provided in response to Subsection B.4 of this Section;

6. the default rate of all private education loans secured, made or extended;

7. the default rate of private education loans secured, made or extended to resident borrowers enrolled or enrolling in, or attending, each provider of postsecondary education listed in response to Subsection B.1 of this Section;

8. a copy of promissory note(s), agreement(s), contract(s) or other instrument(s) used during the previous calendar year to substantiate that:

a. the private education lender secured, made or extended any private education loans; or

b. any resident borrower owes any debt for a private education loan secured, made or extended;

9. the private education lender's:

a. name;

b. address;

c. telephone number; and

d. internet website address.

C.1. Beginning January 1, 2024, the annual registration period for all private education lenders shall commence on the first day of January and end on the thirty-first day of December of each calendar year.

2. Any initial private education lender registration approved between the first day of November and the thirty-first day of December of each calendar year will expire on the thirty-first day of December of the following annual registration period.

3. Except as provided by Subsection C.2 of this Section, all private education lender registrations shall expire on the thirty-first day of December of each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:519 (April 2024).

### **§2005. Initial Registration Application Period**

A. The commissioner shall begin accepting initial registration applications from private education lenders, as required by R.S. 6:1421, et seq., on January 1, 2024.

B. Any private education lender shall be in violation of R.S. 6:1421, et seq., if they:

1. are securing, making or extending any private education loan to any resident borrower;

2. hold or own any private education loans secured, made or extended to any resident borrower; and

3. fail to submit a registration application to the commissioner within 90 days of January 1, 2024.

C. Each private education loan secured, made or extended to any resident borrower, or held for any resident borrower in violation of R.S. 6:1421, et seq., or any rule or regulation adopted by the commissioner under authority of R.S. 6:1424, shall constitute a separate offense, as provided by R.S. 6:1423.

D. Private education lenders whose registration applications are approved by the commissioner shall be added to the Private Education Lender Registry.

E. After the initial 90-day registration application period, no person shall engage in business as a private education lender with any resident borrower without registering with the commissioner, as provided by R.S. 6:1421, et seq., and

any rule or regulation adopted by the commissioner under authority of R.S. 6:1424.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:520 (April 2024).

### **§2007. Registration Renewals**

A. Applications for renewal of private education lender registrations shall:

1. be submitted to the commissioner through the NMLS;

2. include all information required by R.S. 6:1421, et seq., and any rule or regulation adopted by the commissioner under authority of R.S. 6:1424; and

3. include all fees required by the commissioner by rule, in accordance with R.S. 6:1421, et seq.

B. Beginning October 31, 2024, the period for submitting registration renewal applications shall begin on the first day of November of each calendar year.

C.1. Timely private education lender registration renewal applications shall:

a. be submitted on or before the thirty-first day of December of each calendar year;

b. be accompanied by any registration fee established by rule; and

c. allow the private education lender's registration to remain in force and effect during the pendency of their registration renewal application.

2. Any private education lender registration for which no timely renewal application is filed shall expire on the thirty-first day of December of the calendar year for which it is issued.

D.1. Registration renewal applications shall be untimely if they are submitted:

a. on or after the first day of January of any calendar year beginning after March 31, 2024; and

b. on or before the last day of February of any calendar year beginning after March 31, 2024.

2. Untimely registration renewal applications shall be accompanied by both:

a. any registration renewal fee established by rule; and

b. any applicable late fee established by rule.

3. Any registration for which no renewal application is submitted on or before the last day of February of any calendar year shall lapse and shall not be renewed.

4. Any private education lender whose registration has lapsed shall:

a. be removed from the Private Education Lender Registry;

b. cease engaging in private education lending in the state, as provided by R.S. 6:1421, et seq., or any rule or regulation adopted by the commissioner under authority of R.S. 6:1424; and

c. register with the commissioner before resuming private education lending in the state;

5. Private education lenders whose registration is lapsed may submit an initial application for registration, as provided by R.S. 6:1421, et seq., and this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:520 (April 2024).

**§2009. Enforcement**

A. R.S. 6:1421, et seq., expressly authorizes the commissioner to enforce provisions thereof and this rule in accordance with powers vested by R.S. 6:121.1.

B. The commissioner may take appropriate action against any person subject to his licensing, registration, regulation, or supervisory authority for violating R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424, as provided by R.S. 6:1423.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:521 (April 2024).

**§2011. Violations**

A. Violations of R.S. 6:1421, et seq., or this rule include, but are not limited to, any person who:

1. has engaged, is engaging, or is about to engage in any act or practice prohibited by R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424;

2. has failed to act, is failing to act or is about to fail to act under an affirmative duty provided by R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424.

B. Appropriate action for violation of R.S. 6:1421, et seq., or this rule includes, but is not limited to:

1. conducting investigations and hearings to ascertain whether a violation R.S. 6:1421, et seq., has occurred;

2. issuing orders assessing civil money penalties;

3. entering into compliance agreements;

4. seeking injunctive relief from any court of competent jurisdiction; or

5. any combination of appropriate actions 1 through 4 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:521 (April 2024).

**§2013. Fees**

A. The following fee schedule is adopted to cover administrative costs of implementing, maintaining and enforcing the Private Education Lender Registry, as provided by R.S. 6:1421, et seq.:

1. initial registration fee of \$1,500;

2. renewal registration fee of \$1,000; and

3. renewal registration fee late fee of \$500.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:521 (April 2024).

**§2015. Severability**

A. If any provision or item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, items, or applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 50:521 (April 2024).

P. Scott Jolly  
Commissioner

2404#018

**RULE**

**Department of Health  
Bureau of Health Services Financing**

**Adult Residential Care Providers  
Licensing Standards  
(LAC 48:I.6831 and 6832)**

Editor’s Note: This Rule is being repromulgated to incorporate the substantive changes that were promulgated in the November 2023 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.6831 and 6832 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 48**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 68. Adult Residential Care Providers**

**Subchapter B. Administration and Organization**

**§6831. Visitation by Members of the Clergy During a Declared Public Health Emergency**

A. - H. ...

I. Subject to the requirements of §6831.E-G, each ARCP shall allow members of the clergy to visit residents of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with a member of the clergy, subject to the following conditions and requirements:

1. - 2. ...

3. An ARCP’s policy and procedure on clergy visitation, at a minimum, requires the following:

a. that the ARCP shall give special consideration and priority for clergy visitation to residents receiving end-of-life care;

b. that a clergy member may be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention (CDC), as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods, or protocols, then the ARCP shall utilize those methods and protocols;

c. that a clergy member may not be allowed to visit an ARCP resident if such clergy member has obvious signs or symptoms of an infectious agent, or infectious disease, or if such clergy member tests positive for an infectious agent, or infectious disease;

d. that a clergy member may not be allowed to visit an ARCP resident if the clergy member refuses to comply with the provisions of the ARCP’s policy and procedures or refuses to comply with the ARCP’s reasonable time, place, and manner restrictions;

e. that a clergy member may be required to wear PPE as determined appropriate by the ARCP, considering the resident’s medical condition or clinical considerations; at the ARCP’s discretion PPE may be made available by the ARCP to clergy members.

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE;

g. that the resident shall have the right to consensual, nonsexual physical contact such as hand holding or hugging with a member of the clergy; and

h. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

4. An ARCP shall submit a written copy of its visitation policies and procedures on clergy member visitation, to the Health Standards Section of the Department of Health (LDH) at the initial licensure survey.

5. After licensure, the facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. An ARCP shall within 24 hours after establishing its written policies and procedures on clergy member visitation, make its written policies and procedures easily accessible from the homepage of its website, if the ARCP has a website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1500 (October 2021), amended LR 50:521 (April 2024).

### **§6832. Visitation by Immediate Family Members and Other Designated Persons During a Declared Public Health Emergency**

A. A licensed ARCP shall comply with any federal law, regulation, requirement, order, or guideline regarding visitation in ARCPs issued by any federal government agency during a declared PHE. The provisions of the licensing rules in §6832.B-E shall be preempted by any federal statute, regulation, requirement, order or guideline from a federal government agency that requires an ARCP to restrict resident visitation in a manner that is more restrictive than the rules.

B. - D. ...

E. Subject to the requirements of §6832.A-C, each ARCP shall allow immediate family members and other designated persons to visit a resident of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with immediate family members and other designated persons, subject to the following conditions and requirements:

1. - 2. ...

3. An ARCP's policy and procedure on visitation by immediate family members and other designated persons, at a minimum, requires the following:

a. that the ARCP shall give special consideration and priority for visitation by immediate family members and other designated persons to residents receiving end-of-life care;

b. that visitation by immediate family members of the residents and other designated persons may be screened for infectious agents or infectious diseases, utilizing at least

the current screening or testing methods and protocols recommended by the CDC, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the ARCP shall utilize those methods and protocols;

c. that an immediate family member or other designated person may not be allowed to visit an ARCP resident if such immediate family member or other designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such immediate family member or other designated person tests positive for an infectious agent or infectious disease;

d. that an immediate family member or other designated person may not be allowed to visit an ARCP resident if the immediate family member or other designated persons refuses to comply with the provisions of the ARCP's policy and procedure or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that immediate family members and other designated persons may be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical consideration; at the ARCP's discretion, PPE may be made available by the ARCP to immediate family members and other designated persons;

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE;

g. that the resident and an immediate family member or other designated person shall have the right to consensual, nonsexual physical contact such as hand holding or hugging; and

h. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

4. An ARCP shall submit a written copy of its visitation policies and procedures on family members and other designated persons' visitation, to the Health Standards Section of LDH at the initial licensure survey.

5. After licensure, the facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. An ARCP shall within 24 hours after establishing its written policies and procedures on family members and other designated persons' visitation, make its written policies and procedures easily accessible from the homepage of its website, if the ARCP has a website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1500 (October 2021), amended LR 50:522 (April 2024).

Ralph L. Abraham, M.D.  
Secretary

2404#007

**RULE**

**Department of Health  
Bureau of Health Services Financing**

**Intermediate Care Facilities for Persons with  
Developmental Disabilities—Licensing Standards  
(LAC 48:I.8531 and 8591)**

Editor’s Note: This Rule is being repromulgated to incorporate the substantive changes that were promulgated in the November 2023 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing has amended amend LAC 48:I.8531 and §8591 as authorized by R.S. 36:254 and R.S. 40:2180-2180.5. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 85. Intermediate Care Facilities for Persons  
with Developmental Disabilities**

**Subchapter B. Administration and Organization**

**§8531. Governing Body**

A. - I.10. ...

J. The ICF/DD is not required to admit registered sex offenders; however, if the ICF/DD admits a registered sex offender, as described in R.S. 15:542, or current law, then the ICF/DD shall develop policies and procedures to ensure that residents, their family members, including at a minimum, their primary and secondary contact, and/or their responsible parties, any authorized representative or guardians are notified upon admission of sex offenders living in the facilities. Such policies and procedures must include provisions for addressing the safety and well-being of other residents, staff, and visitors, subject to 42 C.F.R. §483.420, or current law. The requirement of notification shall continue for as long as the information is considered a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3190 (December 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 50:523 (April 2024).

**Subchapter F. Provider Responsibilities**

**§8591. Visitation by Close Family Members of a  
Resident During a Declared Public Health  
Emergency**

A. - F. ...

G. Subject to compliance with the requirements of §8591.B-D, each ICF/DD shall allow close family members of the residents to visit a resident of the ICF/DD during a declared PHE when a resident, or his legal or designated representative, requests a visit with close family members of the resident, subject to the following conditions and requirements:

1. - 2. ...

3. An ICF/DD’s policy and procedure on visitation by close family members shall, at a minimum, require the following:

a. that the ICF/DD shall give special consideration and priority for visitation by close family members and other designated persons to residents receiving end-of-life care;

b. that visitation by close family members and other designated persons may be screened for infectious agents or infectious diseases and will pass such screening prior to each visitation, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the ICF/DD shall utilize those methods and protocols;

c. that a close family member or other designated person may not be allowed to visit an ICF/DD resident if such close family member or other designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such close family member or other designated person tests positive for an infectious agent or infectious disease;

d. that a close family member or other designated person may not be allowed to visit an ICF/DD resident if the close family member and other designated person refuses to comply with the provisions of the ICF/DD’s policy and procedure or refuses to comply with the ICF/DD’s reasonable time, place, and manner restrictions;

e. that close family members and other designated persons may be required to wear personal protective equipment as determined appropriate by the ICF/DD, considering the resident’s medical condition or clinical considerations;

e.i. - f. ...

g. that an ICF/DD’s policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines issued by any federal government agency regarding visitation in ICF/DDs during a declared PHE;

h. that the resident and close family members shall have the right to consensual, nonsexual physical contact such as hand holding or hugging; and

i. that includes provisions for off-site visitation, allowing a close family member to visit an ICF/DD resident away from the facility campus; the policy and procedure shall include requirements for allowing the resident to return to the facility upon certain conditions, such as meeting testing and isolation requirements recommended by the CDC, the Centers for Medicare and Medicaid Services (CMS), a Louisiana SHO order or emergency notice, or a governor’s executive order or proclamation.

4. An ICF/DD shall submit a written copy of its visitation policies and procedures on close family member visitation, to the Health Standards Section surveyors of the LDH at the initial licensure survey.

5. After licensure, an ICF/DD shall make its visitation policies and procedures available for review by the Department of Health at any time, upon request.

6. An ICF/DD shall within 24 hours after establishing its written policies and procedures on close family member visitation, make its written policies and procedures easily accessible from the home page of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1308 (September 2021), amended LR 50:523 (April 2024).

Ralph L. Abraham, M.D.  
Secretary

2404#008

## RULE

### Department of Health Board of Practical Nurse Examiners

#### Additional Duties and Powers of the Board (LAC 46:XLVII.303)

The Board of Practical Nurse Examiners has amended LAC 46:XLVII.303, in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the Rule change to Section 303 removes the legal requirement that the executive director and associate executive director of the board shall be licensed professional nurses. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses: Practical Nurses and Registered Nurses

##### Subpart 1. Practical Nurses

#### Chapter 3. Board of Practical Nurse Examiners

##### §303. Additional Duties and Powers of the Board

A. In accordance with R.S. 37:969, the board shall have all such powers and duties as written. In addition, the board shall:

1. appoint an executive director and associate executive director who shall serve as the executive staff of the board. The executive director serves as the appointing authority of the board. In the absence of the executive director or when properly delegated thereto, the associate executive director serves as the appointing authority of the board;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 29:127 (February 2003), LR 30:1478 (July 2004), LR 50:524 (April 2024).

M. Lynn Ansardi, RN  
Executive Director

2404#036

## RULE

### Department of Health Board of Practical Nurse Examiners

Licensure  
(LAC 46:XLVII.1701 and 1703)

The Louisiana State Board of Practical Nurse Examiners has amended LAC 46:XLVII.1701 and 1703, in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the rule changes to §1701 and §1703 is to add graduates of registered nursing programs to persons who may apply for a license to practice as a practical nurse in Louisiana in accordance with R.S. 37:970. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses: Practical Nurses and Registered Nurses

##### Subpart 1. Practical Nurses

#### Chapter 17. Licensure

##### §1701. Qualifications

A. A person applying for a license to practice as a practical nurse in the state of Louisiana shall:

1. ...

2. successfully complete an education program for practical nurses at a program approved by the board or successfully complete an education program for registered nurses at a program approved by the Louisiana State Board of Nursing;

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:970.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 36:2560 (November 2010), LR 50:524 (April 2024).

##### §1703. Types of Licensure

A. Licensure by Examination. An applicant for licensure by examination shall:

1. ...

2. be permitted to write the examination up to four times within a period of two years from the date of being made eligible, but no later than three years from completion of the nursing program;

3. re-enter and successfully complete the entire nursing program without advance credits if the fourth writing is unsuccessful or more than three years has elapsed from completion of the nursing program before being allowed to take the practical nursing examination again;

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:971 and 37:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002), LR 42:274 (February 2016), LR 45:432 (March 2019), LR 50:524 (April 2024).

M. Lynn Ansardi, RN  
Executive Director

2404#035

## RULE

### Department of Health Health Standards Section

#### Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards (LAC 48:I.7206, 7215, and 7275)

The Department of Health, Health Standards Section has amended LAC 48:I.7215 and 7275 and adopted 7206 as authorized by R.S. 36:254 and R.S. 28:31-37. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 72. Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards

#### Subchapter A. General Provisions

#### §7206. Waivers

A. The secretary of the department may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements, and to provisions of the licensing rules involving the clinical operation of the forensic supervised transitional residential and aftercare (FSTRA) facility. The FSTRA facility shall submit a waiver request in writing to the licensing section of the department on forms prescribed by the department.

B. In the waiver request, the FSTRA facility shall demonstrate the following:

1. how resident health, safety, and welfare will not be compromised if such waiver is granted;
2. how the quality of care offered will not be compromised if such waiver is granted; and
3. the ability of the FSTRA facility to completely fulfill all other requirements of the service, condition, or regulation.

C. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

1. the waiver review committee may consult subject matter experts as necessary, including the Office of State Fire Marshal; and

2. the waiver review committee may require the FSTRA facility to submit risk assessments or other documentation to the department.

D. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

E. The department shall issue a written decision of the waiver request to the FSTRA facility. The granting of any waiver may be for a specific length of time.

F. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

G. If any waiver is granted, it is not transferrable in an ownership change or change of location.

H. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised.

I. Any waivers granted by the department prior to January 15, 2024, shall remain in place, subject to any time limitations on such waivers; further, such waivers shall be subject to the following:

1. review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised; and

2. such waivers are not transferrable in any ownership change or change of location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

#### §7215. Renewal of License

A. - D. ...

E. A change of ownership of the FSTRA facility shall not be submitted at the time of the annual renewal of the FSTRA facility's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:55 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

#### Subchapter H. Physical Environment

#### §7275. General Provisions

A. - C.11. ...

D. Bedrooms

1. Single rooms shall contain at least 100 square feet and multi-bed rooms shall contain at least 80 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment.

D.2. - L.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:70 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

Ralph L. Abraham, M.D.  
Secretary

2404#051



**RULE**

**Department of Insurance  
Office of the Commissioner**

**Rule 13—Special Assessment to Pay the Cost of  
Investigation, Enforcement, and Prosecution  
of Insurance Fraud (LAC 37:XI.Chapter 23)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Rule 13.

The purpose of the amendment to Rule 13 is to implement the provisions of R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state more fully described in R.S. 40:1421-1429 and this Rule.

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance has amended Rule 13. Rule 13 was originally promulgated in 2000, in accordance with the authority provided through R.S. 40:1428 and 1429. Since Rule 13 was originally published, R.S. 40:1428 and 1429 have been amended by Act 369 of the 2001 Regular Session; Act 293 of the 2003 Regular Session; Act 1013 of the 2010 Regular Session; Act 193 of the 2016 Regular Session, Act 147 of the 2018 Regular Session, and Act 114 of the 2021 Regular Session. This Rule is hereby adopted on the day of promulgation.

**Title 37  
INSURANCE  
Part XI. Rules**

**Chapter 23. Rule 13—Special Assessment to Pay the  
Cost of Investigation, Enforcement, and  
Prosecution of Insurance Fraud**

**§2303. Fee Assessment**

A. - C. ...

D. Prior to making the allocations specified in §2307 of this Rule, the Commissioner of Insurance is authorized to withhold the sum of \$30,000 per year from the fees collected to defray the expenses of collection of the fees, enforcement of this Subpart, and operation of the Department of Insurance and shall withhold \$187,000 to fund the Automobile Theft and Insurance Fraud Prevention Authority Dedicated Fund Account pursuant to R.S. 22:2134.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:526 (April 2024).

**§2307. Allocation of the Fee Assessment**

A. Except as otherwise provided in §2303.D of this rule, fees shall be allocated as follows.

1. Seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police.

2. Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit.

3. Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Office of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:526 (April 2024).

**§2309. Payment of the Fee Assessment**

A. The fee established in R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by R.S. 40:1428(B).

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by R.S. 40:1428 (C) shall be credited to the Insurance Fraud Investigation Dedication Fund Account in the state treasury. The monies shall be irrevocably dedicated and deposited in the insurance fraud investigation dedication fund account and shall be used solely as provided in R.S. 40:1428(A) and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes of the fraud unit, fraud support unit, office of insurance fraud, LATIFPA, and as further provided in R.S. 40:1428. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to R.S. 40:1428 on a pro-rata basis based on each insurer’s proportionate share of the total fees collected pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:526 (April 2024).

**§2313. Sunset**

A. The special assessment for the automobile theft and insurance fraud prevention authority dedicated fund account as well as the insurance fraud investigation dedication fund account shall be null, void, and unenforceable on July 1, 2024, unless legislative authorization for this rule is reenacted, amended, or re-promulgated prior to July 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:65 (January 2019), amended LR 50:526 (April 2024).

Timothy J. Temple  
Commissioner

2404#017

**RULE**

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

**Open Meetings via Electronic Means  
(LAC 76:I.101, 103, and 105)**

The Wildlife and Fisheries Commission, in accordance with Act 393 of the 2023 Regular Legislative Session, does hereby promulgate regulations relative to open meetings, conducting meetings via electronic means; and provide for public notice and participation requirements. This Rule is hereby adopted on the day of promulgation.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part I. Wildlife and Fisheries Commission and Agencies  
Thereunder**

**Chapter 1. General Provisions**

**Subchapter A. Open Meetings via Electronic Means**

**§101. Postings Prior to Meeting via Electronic Means**

A. At least 24 hours prior to the meeting, the Wildlife and Fisheries Commission shall post the following at wlf.louisiana.gov:

- 1. meeting notice and agenda; and
- 2. detailed information regarding how members of the public may:
  - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
  - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:527 (April 2024).

**§103. Electronic Meeting Requirements and  
Limitations**

A. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency’s website at wlf.louisiana.gov.

B. All members of the Wildlife and Fisheries Commission, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:527 (April 2024).

**§105. Disability Accommodations**

A. Although an open meeting may be scheduled as in-person, the Wildlife and Fisheries Commission shall provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as a person with a disability recognized by the Americans with Disabilities Act (ADA) or the designated caregiver of such a person.

C. The Wildlife and Fisheries Commission shall ensure that the written public notice for an open meeting includes the contact information of the designated agency representative to whom a disability accommodation must be submitted.

D. Accommodation requests should be made as far in advance as possible to allow time to provide an accommodation. Upon receipt of an accommodation request, the designated agency representative shall provide the requestor with an accommodation, if possible, no later than the start of the scheduled meeting.

E. Any member of the Wildlife and Fisheries Commission who qualifies as a person with a disability under the ADA and this Section and timely requests an accommodation may participate in the meeting via electronic means. Notwithstanding law to the contrary, participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:527 (April 2024).

Madison D. Sheahan  
Secretary

2404#013

# Notices of Intent

## NOTICE OF INTENT

### Department of Children and Family Services Division of Child Welfare

State Central Registry (LAC 67:V.1103)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry.

Section 1103 is being amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ consistent with Act 445 of the 2023 Louisiana Legislative session. Section 1103 is also being amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 3. Child Protective Services

#### Chapter 11. Administration and Authority

#### §1103. State Central Registry

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 8. ...

9. DCFS will disclose information on perpetrators of child abuse and/or neglect who are:

a. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS to DCFS Licensing;

b. listed on the SCR involving any owner, operator, current or prospective employee or volunteer of an early learning center licensed by the Louisiana Department of Education (LDOE) to LDOE;

c. listed on the SCR involving any provider, current or prospective employee working in the residence or on the property where the care is provided, or resident on the property of a registered family child care provider or registered in-home child care provider registered by LDOE to LDOE;

d. LDOE employees and potential employees responsible for the performance of licensing inspections to LDOE; and/or

e. listed on the SCR involving an owner, operator, current or prospective employee or volunteer of a juvenile detention facility licensed by Office of Juvenile Justice (OJJ) to OJJ.

10. LDOE is authorized to collect the \$25 fee for the clearance on behalf of DCFS for requests from any owner,

operator, current or prospective employee or volunteer of an early learning center licensed by the LDOE or for any provider, current or prospective employee, or resident of a registered family child care provider or registered in-home child care provider registered by LDOE. An owner, operator, current or prospective employee or volunteer of a specialized provider licensed by DCFS or juvenile detention facility licensed by Office of Juvenile Justice shall submit the \$25 fee to DCFS with the written request which shall include the express consent of the applicant to the departments. DCFS will not disclose such information until there is confirmation of receipt of the \$25 fee by LDOE or DCFS.

11. - 15. ...

**AUTHORITY NOTE:** Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023), LR 50:

#### Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

#### Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

#### Public Comments

All interested persons may submit written comments to Myrna Brunson, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821 or by email to DCFSPublicHearings@la.gov. The deadline for submitting written comments is at 4:30 p.m. on May 28, 2024.

#### Public Hearing

A public hearing on the proposed Rule will be held on May 28, 2024, at DCFS, Iberville Building, 627 North Fourth Street, Room 1-127, Baton Rouge, LA beginning at 10 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 DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

David Matlock  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: State Central Registry**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the publication fees associated with the proposed rule change, the Department of Children and Family Services (DCFS) will not incur any other costs or savings as a result of this rule. It is anticipated that \$639 from the State General Fund will be expended in FY 24 for the state's administrative expenses for promulgation of this proposed rule and the final rule. This is a one-time cost that is included in the department's budget.

DCFS proposes to amend LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry. The proposed rule allows DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the State Central Registry (SCR) involving any owner, operator, current or prospective employee or volunteer of a specialized provider or juvenile detention facility licensed by the Office of Juvenile Justice (OJJ) to OJJ, consistent with Act 445 of the 2023 Regular Session.

Also, Section 1103 is being amended related to registered family child care providers and registered in-home child care providers to be consistent with BESE Bulletins 137 and 139.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons, non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule will not have an impact on competition and employment for low-income families.

Myrna Brunson  
Assistant Secretary  
2404#057

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Children and Family Services  
Licensing Section**

Licensee Portal—Child Residential Care Class B,  
Residential Homes (Type IV), Child Placing Agencies  
General Provisions, and Juvenile Detention  
(LAC 67:V.6956, 7108, 7311, and 7507)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of

Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, §6956; amend Chapter 71, Residential Homes—Type IV, §7108, Chapter 73, Child Placing Agencies—General Provisions, §7311, and Chapter 75, Juvenile Detention Facilities, §7507.

The department is amending §§6956, 7108, 7311, and 7507 in order to implement the licensee portal for the submission of electronic corrective actions plans by the providers. This electronic submission will streamline the corrective action plan approval process for providers. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

**Title 67**

**SOCIAL SERVICES**

**Part V. Child Welfare**

**Subpart 8. Residential Licensing**

**Chapter 69. Child Residential Care, Class B  
§6956. Corrective Action Plans**

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S.46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

**Chapter 71. Residential Homes—Type IV  
§7108. Corrective Action Plans**

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies

from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within three calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S.46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:257 (February 2017), amended LR 50:

### **Chapter 73. Child Placing Agencies—General Provisions**

#### **§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing**

A. - K.3. ...

L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the child-placing agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

L.2. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 49:848 (May 2023), effective June 1, 2023, amended LR 50:

### **Chapter 75. Juvenile Detention Facilities**

#### **§7507. Licensing Requirements**

A. - I.7. ...

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the

department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, amended LR 50:

#### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

#### **Small Business Analysis**

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

#### **Public Comments**

All interested persons may submit written comments to Joy Legaux, Licensing Program Director, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821 or by email to [DCFSPublicHearings@la.gov](mailto:DCFSPublicHearings@la.gov). The deadline for submitting written comments is at 4:30 p.m. on May 28, 2024.

#### **Public Hearing**

A public hearing on the proposed Rule will be held on, May 28, 2024, at DCFS, Iberville Building, 627 North Fourth Street, Room 1-127, Baton Rouge, LA beginning at 9:00 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 DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

David Matlock  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Licensee Portal—Child Residential Care  
Class B, Residential Homes (Type IV), Child Placing  
Agencies—General Provisions, and Juvenile Detention**

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Attendance

(LAC 28: CXV.1103, 1105, and 1111 and CXXXIX.4001)

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The only cost of this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$1,491 (\$1,118 State General Funds and \$373 Federal Funds) in FY 24. This is a one-time cost that is routinely included in the department's annual operating budget.

The department proposes to amend LAC 67:V, Subpart 8, Chapter 69, Class B, Section 6956; Chapter 71, Section 7108; Chapter 73, Section 7311; Chapter 75, Section 7507 Licensing Section.

The department is amending LAC 67:V to allow providers such as child residential care (Section 6956), residential home type IV (Section 7108), child placing agencies – general provisions (Section 7311), and juvenile detention facilities (Section 7507) to implement the licensee portal, Sanswrite, for the submission of electronic corrective action plans (CAP). This electronic submission system will be utilized to submit CAPs to DCFS for any and all deficiencies noted by Licensing Section staff regarding any laws or standard, or any other statute, ordinance, or standard.

DCFS Licensing Section staff members inspect providers and their facilities to determine compliance with state licensing regulations. DCFS maintains a license subscription with Outlier Technologies, which is renewed annually for the use of the Sanswrite system for licensing purposes. This system allows Licensing staff members to conduct inspections, generate deficiency findings, and organize all provider inspection information in one platform. It also provides access to the licensee portal where providers can submit their Corrective Action Plan (CAP) electronically, rather than by mail or email. DCFS transitioned providers from utilizing a paper CAP submission process to an electronic CAP submission process. The CAP creation features existed on the licensee portal prior to transition; therefore, there was no increase in its annual renewal cost \$45,234 (\$33,925 SGF and \$11,309 Federal), according to total spend for FY 24. The original source of funding is the Social Services Block Grant (SSBG).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of this proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule will have no impact on the estimated costs of any persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no estimated impact on competition and employment.

Joy Legaux  
Licensing Director  
2404#056

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28: CXXXIX in *Bulletin 126—Charter Schools*. The proposed amendments provide clarity, opportunities for academic recovery, and the reporting of attendance data needed to address truancy rates. A summary of the changes includes: reducing and redefining the types of absences to *excused, unexcused, and suspension/expulsion*; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the aforementioned revisions align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3.

**Title 28**

**EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for  
School Administrators**

**Chapter 11. Student Services**

**§1103. Compulsory Attendance**

A. - I. ...

J. Exceptions to the attendance regulation shall be the enumerated extenuating circumstances below that are verified by the supervisor of child welfare and attendance or the school principal/designee where indicated. These excused absences do not apply in determining whether a student meets the minimum minutes of instruction required to receive credit:

1. - 7. ...

8. absences verified and approved by the school principal or designee as stated below:

a. prior school system-approved travel for education;

b. death in the immediate family (not to exceed one week);

c. natural catastrophe and/or disaster;

d. student personal illness or serious illness in family; or

e. pregnant and parenting students at a minimum of 10 days after the birth of a child.

J.9. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097

(June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023), LR 50:

### **§1105. Absences and Attendance**

A. The days absent for elementary and secondary school students shall include excused absences, unexcused absences, and suspensions/expulsion.

B. *Excused Absences*—absences which are not considered for purposes of truancy, including absences incurred due to extenuating circumstances in accordance with §1103 of this Chapter.

C. *Unexcused Absence*—any absence not meeting the requirements set forth in the excused absence definition, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program.

D. *Suspension/Expulsion*—absence in which a student is not in attendance in the regular instructional setting due to disciplinary actions imposed by the school. The absence is not considered for purposes of truancy unless the student was assigned to an alternative site and is not in attendance at the assigned alternative site.

E. A student who is absent, including a suspended student, shall be allowed to submit missed assignments and tests and shall be eligible to receive the same academic credit and grades originally available when work is completed satisfactorily and in a timely manner.

F. Daily attendance shall be taken in accordance with R.S. 17:232. Beginning with the 2024-2025 school year, student attendance shall be submitted daily to the LDOE, including the number of students in attendance, the number of students absent, and the truancy status of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:226, R.S. 17:235.2, and R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 36:482 (March 2010), LR 37:1127 (April 2011), LR 39:2206 (August 2013), LR 50:

### **§1111. Age Requirements**

A. - C.5.c. ...

6. A parent or legal guardian may opt to defer enrollment of a child into kindergarten for one year under the following conditions:

a. The child is four years of age on the first day of the school year; or

b. The child is enrolled in a prekindergarten program.

7. A parent or legal guardian who opts to defer enrollment into kindergarten for one year shall be considered in compliance with the compulsory school attendance law.

D. - D.1....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:32 (January 2022), LR 50:

## **Part CXXXIX. Bulletin 126—Charter Schools**

### **Chapter 40. Charter School Autonomy**

#### **§4001. Applicability of State and Local Rules and Regulations**

A. - A.15. ...

16. school and district accountability system;

17. attendance reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:232, and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), LR 50:

#### **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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small

businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Attendance**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed changes provide clarity, opportunities for academic recovery, and for the reporting of attendance data to the Louisiana Department of Education (LDOE) daily. A summary of the changes includes: reducing and redefining the types of absences to excused, unexcused, and suspension/expulsion; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the changes align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3. Attendance data is currently reported quarterly, with truancy data confirmed annually; the proposed reporting requirements will follow the same process in current use. LDOE is working to identify schools that may be in need of technical assistance in transitioning to the new reporting timeline.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#028

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and  
State Accountability System—ELPT Connect  
(LAC 28:XI.405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The proposed amendments update the language for proficiency scoring to include ELPT Connect, the English Language Proficiency Test (ELPT) assessment for English learners with significant cognitive disabilities. The levels are included in policy and are closely aligned to the ELPT to ensure clarity for teachers and school systems.

**Title 28**

**EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System**  
**Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations**

**§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]**

A. - B.3. ...

a. The initial proficiency level for each English learner will be determined based on the ELPT or ELPT Connect assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT or ELPT Connect assessment.

b. If a student exits the United States for one or more school years following the initial ELPT or ELPT Connect assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

c. For students first identified in prekindergarten through fifth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the table below.



Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
* * *				

d. For students first identified in sixth through twelfth grade, use the initial ELPT or ELPT Connect proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT or ELPT Connect Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
* * *						

e. An ELPT or ELPT Connect overall proficiency score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

4. The level of progress on the ELPT or ELPT Connect assessment will be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

\* \* \*

5. For measuring progress on the ELPT Connect assessment, the overall proficiency scores will be organized into the following levels:

- a. emerging—all domain scores are one or two;
- b. progressing 1—at least one domain score of three and the lowest domain score is one;
- c. progressing 2—at least one domain score of three and the lowest domain score is two;
- d. progressing 3—at least three domain score of three and the lowest domain score is two; and
- e. transitioning—all domain scores are three or four.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023), LR 49:1698 (October 2023), LR 50:

#### 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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA

70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 111—The Louisiana School,  
District, and State Accountability System  
ELPT Connect**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates the language for proficiency scoring to include ELPT Connect, the new English Language Proficiency Test (ELPT) assessment for English learners with significant cognitive disabilities. The ELPT Connect assessment will be used by a specific subset of students. The scoring domains differ from the ELPT as there is one fewer level on the ELPT Connect, and the assessment is included in the kindergarten through eighth grade assessment index for each English learner. The levels are included in policy and are closely aligned to the ELPT to ensure clarity for teachers and school systems.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#027

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 130—Regulations for the Evaluation  
and Assessment of School Personnel  
Educator Observation and Evaluation  
(LAC 28:CXLVII.Chapters 1, 3, 7, and 9)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXLVII in *Bulletin 130*—

*Regulations for the Evaluation and Assessment of School Personnel*. The aforementioned amendments provide revised observation rating calculations, differentiated support for new teachers and ineffective teachers, and implementation of learning year options.

**Title 28  
EDUCATION**

**Part CXLVII. Bulletin 130—Regulations for the  
Evaluation and Assessment of School Personnel**

**Chapter 1. Overview**

**§101. Guidelines of the Program**

A. Each LEA must develop a uniform system for the annual evaluation of certified and other professional personnel in accordance with the provisions of this Part.

B. The guidelines approved by BESE to form a basis for local teacher evaluation programs include regulations in this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:

**§105. Framework for LEA Personnel Evaluation  
Programs**

**[Formerly §109]**

A. - B. ...

1. Job Descriptions. The LEA shall establish job descriptions for every category of teacher and administrator. All job descriptions shall contain performance expectations and the criteria for which the teacher or administrator shall be evaluated.

2. Professional Growth Planning Process. The LEA shall provide guidelines for teachers and administrators to develop a professional growth plan collaboratively with their evaluators. Such plans must be designed to assist each teacher or administrator in demonstrating effective performance, as defined by this bulletin. Each plan will serve as a differentiated coaching plan based on an area of refinement and will include professional learning objectives as well as the strategies that the teacher or administrator intends to use to attain each objective.

3. Observation, Data Collection, and Conferencing Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year. Additional evidence, such as data from periodic informal visits to the school and/or classroom as well as written materials or artifacts, may be used to inform evaluation.

a. - c. Repealed.

4. ...

5. Student Learning Targets. Local evaluation plans shall include evidence of growth in student achievement, including value-added data where available. The LEA shall provide guidelines for evaluators and evaluates to meet to discuss the student learning target of each student.

6. Grievance Process. LEAs shall include in their local personnel evaluation plans a description of the

procedures for resolving conflict and/or grievances relating to evaluation results in a fair, efficient, effective, and professional manner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 36:2251 (October 2010), amended LR 38:1215 (May 2012), LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 49:649 (April 2023), LR 50:

### **Chapter 3. Components of Personnel Evaluation**

#### **§301. Overview of Personnel Evaluation**

A. Evaluation Process. The evaluation cycle shall consist of communicating the job description; developing the professional growth plan; setting student learning targets; observation, conferencing, and data collection; and communicating the final effectiveness calculation.

1. A copy of the job description developed in accordance with §303 of this Chapter shall be distributed to each teacher and administrator prior to beginning employment in the position with the school system and prior to the beginning of the school year each time the job description is revised.

2. Each evaluator and evaluatee shall meet to discuss the student learning targets set in accordance with §305 of this Chapter. Student learning targets not discussed in a meeting between the evaluator and evaluatee shall not be used in the evaluation.

a. - b. Repealed.

3. Observation and conferencing shall be conducted in accordance with §309 of this Chapter, with opportunities for reflection, professional learning, and informal data collection available throughout the evaluation cycle.

4. Each teacher and administrator shall develop a professional growth plan collaboratively with the evaluator(s) based on an area of refinement identified through the first observation of the evaluation cycle. Each plan will serve as a differentiated coaching plan based on the area of refinement to assist the educator in demonstrating effectiveness and will include professional learning objectives as well as the strategies and means of support that the teacher or administrator intends to use to attain each objective.

5. At the end of the evaluation cycle, the final evaluation score will be calculated by the evaluator(s), with effectiveness determined according to Subsection B of this Section. A copy of the evaluation results must be provided to the evaluatee within 15 days of the final effectiveness determination.

B. Calculating Evaluation Scores. Fifty percent of the evaluation shall be composed of applicable measure(s) of growth in student learning. The remaining 50 percent shall be based upon a qualitative assessment of teacher or administrator skills, knowledge, and professionalism. The combination of the applicable measure of growth in student learning and the qualitative assessment of performance shall result in a composite score used to distinguish levels of overall effectiveness for teachers and administrators.

1. Student Growth Score. Value-added data, if available, shall comprise 35 percent of the evaluation score, with 15 percent of the score based on student learning target

attainment. If value-added data are not available, attainment of student learning targets will comprise 50 percent of the evaluation score.

2. Qualitative Assessment Score for Teachers. Data collected by evaluators during the evaluation cycle will be averaged by domain and weighted along with the teacher self-assessment rating to calculate the 50 percent of the evaluation based upon qualitative assessment.

a. The teacher observation rating will be calculated by averaging the domain score from each observation, with the Planning domain weighted at 15 percent, Environment domain weighted at 5 percent, Instruction domain weighted at 75 percent, and Professionalism domain weighted at 5 percent.

b. The teacher self-assessment rating from each observation will be averaged.

c. The teacher observation rating will constitute 90 percent of the qualitative assessment score; the remaining 10 percent will be the teacher self-assessment rating.

3. Qualitative Assessment Score for Principals. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with administrator middle-of-year conference weighted at 25 percent, end-of-year summative conference weighted at 50 percent, administrator self-assessment rating weighted at 10 percent, and principal survey rating weighted at 15 percent. A principal with more than three years of experience in the role and a rating above 3.50 in the previous school year may be exempted from the middle-of the year conference, weighting the end-of-year summative conference at 75 percent.

4. Qualitative Assessment score for Counselors and Non-Principal School Leaders. Artifacts and data collected by evaluators during the evaluation cycle will be weighted to comprise the qualitative assessment score, with middle-of-year conference weighted at 30 percent, end-of-year summative conference weighted at 60 percent, and self-assessment rating weighted at 10 percent.

5. The composite score shall be the average of the student growth score and the qualitative assessment score. Each score shall be represented as a decimal rounded to the hundredths place.

C. Determining the Effectiveness Rating. The effectiveness rating shall be determined according to the composite score ranges as follows.

1. A composite score from 1.00 to 1.49 will constitute a rating of Ineffective.

2. A composite score from 1.50 to 2.49 will constitute a rating of Emerging.

3. A composite score from 2.50 to 3.49 will constitute a rating of Proficient.

4. A composite score from 3.50 to 4.49 will constitute a rating of Highly Effective.

5. A composite score from 4.50 to 5.00 will constitute a rating of Exemplary.

D. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013),

LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:413 (March 2022), LR 48:1006 (April 2022), LR 49:650 (April 2023), LR 50:

### **§303. Job Descriptions [Formerly §323]**

A. The local personnel evaluation plan shall contain a copy of the job descriptions currently in use in the LEA. The LEA shall establish a competency-based job description for every category of teacher and administrator pursuant to its evaluation plan. At a minimum, job descriptions must be developed for the following positions.

1. Administration:
  - a. superintendent;
  - b. assistant superintendent;
  - c. director;
  - d. supervisor;
  - e. coordinator;
  - f. principal; and
  - g. assistant principal.
2. Instructional Personnel:
  - a. teachers of regular education and special education students;
  - b. special projects teachers;
  - c. instructional coaches;
  - d. librarians; and
  - e. master teachers.
3. Support Services:
  - a. school counselors; and
  - b. therapists.
4. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning.
5. Any employee whose position requires certification but whose title is not listed in this Subsection.
6. Any employee who holds a major management position but who is not required to have a college degree or certification.

B. The competency-based job description shall:

1. be grounded in the state standards of performance;
2. include job tasks that represent the essential knowledge, skills, and responsibilities of an effective teacher or administrator that lead to growth in student achievement;
3. be reviewed annually to ensure that the description represents the full scope of the teacher or administrator responsibilities; and
4. be distributed to all certified and professional personnel prior to employment. If said job description is modified based on the district's annual review, the revised job description must be distributed to all certified and professional teachers and leaders prior to the beginning of the next school year.

C. The following components shall be included in each job description developed:

1. position title;
2. overview of position;
3. position qualifications shall be at least the minimum requirements as stated in LAC 28:CXXXI. *Bulletin 746*. The qualifications shall be established for the position, rather than for the employee;
4. title of the person to whom the employee reports;
5. performance standards, including statement on responsibility for growth in student learning;
6. criteria for evaluation;

7. salary or hourly pay range;
8. statement acknowledging receipt of job description; and
9. a space for the employee's signature and date.

D. Signed job descriptions must be maintained on file at the local level to document the annual review and, upon revision, receipt of job descriptions.

D.1. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:3123 (December 2012), LR 39:1273 (May 2013), LR 40:761 (April 2014), LR 41:1267 (July 2015), LR 43:2480 (December 2017), LR 50:

### **§305. Measures of Growth in Student Learning**

A. Student learning targets and, where available, a value-added model shall be used to measure student growth for the purposes of teacher and administrator evaluations according to guidelines provided by LDOE.

B. For teachers and administrators, progress towards pre-determined student learning targets, as measured by state-approved common assessments, where available, shall inform the student growth component of the evaluation. Student learning targets shall include goals which express an expectation of growth in student achievement over a given period of time, as well as common measures for assessing attainment of those goals, such as an identified assessment or a body of evidence.

1. Evaluators shall meet with each evaluatee for the purpose of discussing the student learning targets of each student. Student learning targets not discussed in a meeting between an evaluatee and the evaluator shall not be used in the evaluation of the person.

2. Teachers. A minimum of two student-learning targets shall be identified for each teacher. LDOE shall provide an evaluative tool for evaluators to use in assessing the quality and attainment of student learning targets.

a. State-approved assessments shall be used as part of the body of evidence measuring students' attainment of learning targets, where available.

b. Where no state-approved assessments are available, evaluatees and evaluators shall decide upon the appropriate assessment or assessments to measure students' attainment of learning targets.

c. LEAs may define consistent student learning targets across schools and classrooms for teachers with similar assignments, provided that the targets allow for ample flexibility to address the specific needs of students in each classroom.

3. Principals and Administrators. A minimum of two student learning targets shall be identified for each administrator.

a. For principals, the LDOE shall provide recommended targets to use in assessing the quality and attainment of both student learning targets, which will be based upon a review of similar schools. The LDOE will annually publish the methodology for defining similar schools.

b. At least one learning target shall be based on overall school performance improvement in the current school year, as measured by the school performance score.

c. At least one learning target shall be based on growth in a component (e.g., ELA or math improvement) of school performance score.

d. Principals at schools with special populations (e.g. alternative schools) or those that do not have grades with standardized testing and available value-added data (e.g., K-2 schools) may define learning targets based on LDOE guidance.

4. LDOE shall provide annual updates to LEAs related to:

a. the expansion of state-standardized testing and the availability of value-added data, as applicable;

b. the expansion of state-approved common assessments to be used to build bodies of evidence for student learning where the value-added model is not available; and

c. the revision of state-approved tools to be used in evaluating student learning targets.

C. The value-added model shall be a statistical model approved by BESE for linking academic gains of students to teachers in grades and subjects for which appropriate data are available. LDOE shall expand the value-added model, as new state assessments become available.

1. Value-added data shall be provided to teachers in grades and subjects that administer state-wide standardized tests and for which appropriate prior testing data is available. The value-added model shall not be applied for the purposes of evaluation in any case in which fewer than 10 students with value-added results are assigned to an educator.

2. The value-added model shall take into account the following student-level variables:

a. prior achievement data that are available, up to three years;

b. gifted status;

c. section 504 status;

d. attendance;

e. disability status;

f. economically disadvantaged status;

g. limited English proficiency; and

h. prior discipline history.

3. Classroom composition variables shall also be included in the model.

D. - F.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1267 (July 2015), LR 47:354 (March 2021), LR 49:254 (February 2023), repromulgated LR 49:860 (May 2023), LR 50:

### **§307. Observation Tools**

A. LEAs must utilize an observation tool to conduct a qualitative assessment of educator performance that will comprise 50 percent of the composite evaluation score for all evaluations.

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

2. Observation tools shall provide an overall score between 1.00 and 5.00. Total scores on observation tools may include hundredths of points, indicated with a decimal point.

3. Observation tools for other instructional leaders shall align to the components of effective teaching in §901.

of this Part and the Performance Expectations and Indicators for Educational Leaders, 2015 edition, as well as the competencies for content leaders or mentor teachers in LAC 28:CXXXI.350 and 351.

C. ...

D. LEAs which do not intend to use model observation tools developed or identified by the department shall annually submit proposed alternate tools to the department for evaluation and approval.

1. - 4. ...

5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:

### **§309. Observation and Conferencing Process**

A. Observation and Conferencing Components for Teachers. The annual teacher evaluation shall include an observation conducted according to each step of the process outlined in this Section and shall adhere to the following minimum requirements.

1. Each announced observation shall include a pre-observation conference at least one school day prior to the date of the observation.

2. Each announced observation shall occur at a time and place established in advance and shall be of sufficient duration to provide meaningful data. Observations of a teacher shall be not less than the duration of one complete lesson.

3. Following all observations, evaluators shall record feedback, including areas for reinforcement and areas for refinement. Additional evidence from periodic visits to the school or classroom as well as written materials or artifacts may be used to inform the evaluator analysis.

4. Following all observations, the evaluatee must complete a self-assessment regarding the lesson using the same observation tool used by the evaluator.

5. Each observation shall include a prescriptive post-observation conference not more than five school days following the date of the observation during which the evaluator will share the feedback, areas of reinforcement, and areas of refinement. These recommendations will be used to develop the professional growth plan.

6. An informal observation targeted to the specific area of refinement shall be conducted at least two, and not more than six, weeks following the post-observation conference. The evaluator will provide written feedback regarding progress toward the area of refinement within one school day of the informal observation.

B. Observation Frequency

1. During the first three years of teaching, three observations shall be conducted, one of which must be announced.

2. For teachers with three years of experience and beyond, one unannounced observation shall be conducted. If the observation score is below 3.50 or if the evaluatee requests it, a second observation shall be conducted and shall be announced. If the average score of the first two observations is less than 2.50, a third observation shall be conducted and shall be unannounced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 41:1267 (July 2015), LR 50:

### §311. Evaluators

A. - D.1. ...

2. The evaluator certification process shall include achieving a passing score on an assessment to ensure inter-rater reliability and accuracy of ratings, based on the use of the teacher or leader observational rubric.

3. Evaluators on record must renew certification to evaluate annually by completing training according to guidelines released by LDOE, by achieving a passing score on a renewal assessment, and by completing inter-rater reliability activities as recommended by LDOE.

E. LEAs shall provide training on a continuing basis for all staff involved in the evaluation process. The recommendation is that all training concentrate on fostering the elements listed below:

1. a positive, constructive attitude toward the teacher and administrator evaluation process;

2. a knowledge of state laws and LEA policies governing the evaluation process for teachers and administrators, along with the associated procedures for intensive assistance and due process;

3. an understanding of the Louisiana Components of Effective Teaching or an approved modified set of teacher competencies and performance standards;

4. an understanding of the Performance Expectations and Indicators for Educational Leaders or an approved modified set of leader competencies and performance standards;

5. an understanding of the measures of growth in student learning, as adopted by the board; and

6. an understanding of the process for calculating a composite score to determine final effectiveness ratings for teachers and administrators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1217 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:

### §313. Professional Development

A. LEAs shall provide professional learning to all teachers and administrators, based upon their individual areas of refinement, as measured by the evaluation process. Professional learning opportunities provided by LEAs shall meet the following criteria.

1. Professional learning shall be job-embedded, where appropriate.

2. Professional learning shall target identified individualized areas of growth for teachers and administrators, based on the results of the evaluation process, as well as data gathered through informal observations or site visits, and LEAs shall utilize differentiated resources and levels of support accordingly.

3. Professional learning shall include follow-up engagement with participants, such as feedback on

performance, additional supports, and/or progress-monitoring.

4. Professional learning shall include measureable objectives to evaluate its effectiveness, based on improved teacher or administrator practice and growth in student learning.

B. Failure by the LEA to provide regular professional learning opportunities to teachers and administrators shall not invalidate any results of the evaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1218 (May 2012), LR 50:

### §319. Transitional Use of Legacy Evaluation System

A. For the 2024-2025 school year, LEAs may choose to implement the evaluation process outlined in this Part or the same evaluation process implemented by the LEA during the 2023-2024 school year to allow adequate planning for a successful transition to a new evaluation process. For purposes of this Section, the term *legacy evaluation process* refers to the evaluation process implemented by the LEA during the 2023-2024 school year.

1. - 6. Repealed.

B. Evaluatees in an LEA implementing a legacy evaluation process shall receive at least one announced observation and one unannounced observation during the evaluation cycle.

C. The composite score to determine effectiveness in a legacy evaluation process will be calculated as follows:

1. The 50 percent of evaluations based on student growth will be represented by a sub-score between 1.0 and 4.0.

2. The 50 percent of evaluations based on a qualitative assessment of performance will be represented by a sub-score between 1.0 and 4.0.

3. The final composite score for teachers and administrators is the average of the two sub-scores and will be represented as a score between 1.0 and 4.0.

4. The effectiveness rating will be determined by the composite score ranges as follows:

a. A composite score of less than 1.5 will constitute a rating of Ineffective.

b. A composite score of 1.5 to 2.49 will constitute a rating of Effective: Emerging.

c. A composite score of 2.50 to 3.49 will constitute a rating of Effective: Proficient.

d. A composite score of 3.5 or higher will constitute a rating of Highly Effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2360 (September 2012), LR 50:

### §323. Job Descriptions [Formerly §339]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10, R.S. 17:3871-3873, R.S. 17:3881-3884, and R.S. 1309-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2252 (October 2010), amended LR 38:1219 (May 2012), LR 38:2361 (September 2012), amended LR 48:28 (January 2022), LR 48:414 (March 2022), LR 50:

### **§329. Charter School Exceptions**

A. Charter governing authorities are subject only to §301, §305, §307, §309, §325, §329, and §701 of this bulletin.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1220 (May 2012), LR 50:

## **Chapter 7. Reporting and Monitoring**

### **§701. Annual Summary Reporting Format**

A. - B. ...

1. the percentage and number, where available, of administrators and teachers rated as exemplary, highly effective, proficient, emerging, and ineffective;

2. the percentage and number, where available, of teachers whose student growth ratings are increased or decreased, per §305. of this Part, relative to the value-added model rating; and

3. ...

C. LDOE shall annually analyze the relationship between student results and educator observation scores for use in risk-based auditing. Risk-based auditing may include inter-rater reliability checks, and plans to address audit findings will be required for LEAs, schools, or observers noted as high risk based on this analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2253 (October 2010), amended LR 38:1220 (May 2012), LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 41:1268 (July 2015), LR 50:

## **Chapter 9. General Provisions**

### **§901. Louisiana Components of Effective Teaching**

A. The domains and indicators comprising the Louisiana Components of Effective Teaching are as follows:

1. The instruction domain is composed of the following indicators:

- a. standards and objectives;
- b. motivating students;
- c. presenting instructional content;
- d. lesson structure and pacing;
- e. activities and materials;
- f. questioning;
- g. academic feedback;
- h. grouping students;
- i. teacher content knowledge;
- j. teacher knowledge of students;
- k. thinking; and
- l. problem solving.

2. The designing and planning instruction domain is composed of the following indicators:

- a. instructional plans;
- b. student work; and
- c. assessment.

3. The learning environment domain is composed of the following indicators:

- a. expectations;
- b. engaging students and managing behavior;
- c. environment; and
- d. respectful conditions.

4. The professionalism domain is composed of the following indicators:

- a. growing and developing professionally;
- b. reflecting on teaching;
- c. community involvement; and
- d. school responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2254 (October 2010), amended LR 38:1221 (May 2012), LR 38:2361 (September 2012), LR 50:

### **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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Educator Observation and Evaluation

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change provides revised observation rating calculations, differentiated support for new teachers and ineffective teachers, and implementation of learning year options. Training opportunities through more than 80 training sessions located throughout the state will be provided by the Louisiana Department of Education (LDOE) at no cost to local districts. Local districts may experience an increase in costs dependent on whether a district chooses a training location outside of their region, as opposed to one located within their region. Other possible local costs could include optional contracts with the National Institute for Excellence in Teaching (NIET) for additional support.

LDOE will provide the rubric, training materials, and evaluation certification assessment through Canopy - the Louisiana professional learning platform. Costs to LDOE are included in the current contract with NIET. The contract total is \$4,302,100 and was funded with Federal funds through ESSER II (\$1,393,408) and ESSER III (\$2,908,692) funding. In FY 25, \$364,000 in IDEA funding will be used. In FY 26, \$195,273 in Federal IDEA funding and \$197,727 in Title II funding will be used. The training and on-site support will be covered by 8(g)

allocations from BESE and will include \$300,000 in FY 25 and \$200,000 in FY 26. These costs include those for the development of evaluation components and processes, the development of all training materials, and delivery of the training at the regional training opportunities. LDOE will own the rubrics, the trainings, the assessment, and all associated materials as part of the contract. For the 2024-25 and 2025-26 school years, this contract will cover evaluator training. In the 2024-25 school year and beyond, funding for on-site support of feedback and coaching cycles will be built into the 8(g) LDOE Statewide Programs budget. In the 2026-27 school year and beyond, funding for evaluator training will also be built into this budget.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions are expected to improve educator quality and retention over time due to extensive training, differentiated support, and coaching plans customized to support educator development.

Beth Scioneaux  
Deputy Superintendent  
2404#029

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years  
Early Learning and Development Standards  
(LAC 28:CLIX.Chapters 1-5 and CXXXVI.Chapters 1-7)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to repeal LAC 28:CLX in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*, and adopt LAC 28:CXXXVI in Bulletin 136—*Louisiana Early Learning and Development Standards for Children Birth to Five Years*. The aforementioned changes replace previously adopted early learning and development standards.

#### Title 28

#### EDUCATION

#### Part CXXXVI. Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years

#### Chapter 1. General Provisions

#### §101. Introduction

A. Louisiana's Early Learning and Development Standards (ELDS) provide a set of common, developmentally appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. These standards are



research-based, comprehensive, and are written with the understanding that children reach developmental milestones at different times. The ELDS provide age-appropriate goals for children’s learning and development that can guide teachers, caregivers, and other early childhood professionals on what types of experiences and activities children should have during their earliest years. ELDS are used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

### §103. Definitions

*Alphabet Awareness*—knowledge of letters of the alphabet coupled with the understanding that the alphabet represents the sounds of spoken language and the correspondence of spoken sounds to written language.

*Approaches to Learning*—behaviors and attitudes that indicate how children approach tasks and activities to learn and include characteristics such as initiative and curiosity; attention, engagement and persistence; and problem solving, which help strengthen and facilitate learning across other school readiness domains.

*Attention, Engagement, and Persistence*—the capacity to pay attention and engage in learning activities for short periods of time so that children can complete short-term, concrete tasks and activities, which then progresses so that children can concentrate for longer periods of time, persist in activities of interest, and set goals.

*Emergent Writing*—young children’s first attempts at the writing process.

*Expressive Communication*—the ability to communicate our thoughts and feelings through words, gestures, signs, and/or symbols.

*Fine Motor Development*—skill development involving the smaller muscles of the hand.

*Gross Motor Development*—skill development involving the large muscles in the arms, legs and torso.

*Initiative and Curiosity*—personal experiences with and the openness and curiosity about new discoveries that begin with interest in the world around them and the initiative to gain new knowledge by taste, touch, smell, sight, sound, and physical actions, then develops into interaction with unfamiliar objects and materials, seeking new ways for using items in the environment, and learning new information in a variety of ways in order to add to a growing knowledge of the world.

*Phonological Awareness*—the awareness of and ability to work with sounds in spoken language.

*Print Concepts*—the understanding of the nature and uses of print.

*Problem Solving*—noticing how actions affect objects and cause things to happen, to find solutions, and to apply similar strategies again in the future, including the skills of explaining how problems are solved, observation, reasoning, and prediction.

*Receptive Communication*—The ability to understand words and language.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

## Chapter 3. Learning and Development

### §301. Approaches to Learning

A. Initiative and Curiosity. Standard 1: Children engage in multiple and varied play-based experiences.

1. Infants, Birth-11 months:

a. Explore objects, materials, and/or people in their immediate environment using their senses. Interact with materials by manipulating them in a variety of ways (e.g., grasp, mouth, bang).

b. Demonstrate interest in others (e.g., turn head toward familiar voice).

c. Meet one’s own needs using simple behaviors (e.g., feed oneself finger foods).

d. Select a particular material, toy, or place of interest to explore on their own.

2. Young Toddlers, 9-18 months:

a. Explore and interact with familiar objects and materials in their environment. Use everyday objects and toys as intended in their play (e.g., build with blocks, stir with spoons).

b. Demonstrate interest in their surroundings.

c. Attempt to help with simple tasks and activities.

d. Express choices and preferences.

3. Older Toddlers, 16-36 months:

a. Explore both familiar and unfamiliar materials, activities, and experiences. Explore new ways to use familiar objects during play (e.g., hold a banana to the ear and talk into it like a phone).

b. Seek information about familiar objects, people, and experiences.

c. Demonstrate increasing interest and independence in completing simple tasks.

d. Insist on preferences and express dislikes.

4. Three Year Olds, 36-48 months:

a. Explore unfamiliar objects, materials, and experiences. Combine materials in new and unique ways (e.g., put blocks together to create a road for cars).

b. Seek information about unfamiliar objects, people, and experiences.

c. Complete a variety of simple tasks independently.

5. Four Year Olds, 48-60 months:

a. Seek out and engage with unfamiliar objects, materials, and experiences.

b. Seek information and contribute to discussions about a variety of new topics, ideas, and activities.

c. Complete multi-step tasks independently.

B. Attention, Engagement, and Persistence. Standard 2: Children engage in activities and tasks with attention, focus, and persistence.

1. Infants, Birth-11 months:

a. Establish eye contact with a familiar person. Attend to new objects and familiar adults in the environment.

b. Intentionally take action to make things happen (e.g., shake rattle to make noise).

2. Young Toddlers, 9-18 months:

a. Focus attention on people, objects, and activities of interest.

b. Repeat self-selected tasks over and over again.

c. Complete self-selected tasks and then spontaneously express pleasure at accomplishments (e.g., smile, clap).

3. Older Toddlers, 16-36 months:

a. Focus attention to complete a short, simple task with adult support.

b. Complete activities of choice from start to finish with adult support.

c. Remain actively engaged in activities of interest and protest if interrupted.

4. Three Year Olds, 36-48 months:

a. Maintain focus on activities of interest despite distractions.

b. Continue working on self-selected activities despite setbacks (e.g., try again after the block tower falls down).

c. Express goals and then work to achieve them with prompting and support (e.g., When asked, a child says, "I want to make something" and then goes to the art center and draws a picture).

5. Four Year Olds, 48-60 months:

a. Maintain focus on adult-directed activities with adult support.

b. Persist with a challenging task despite interruptions and disruptions.

c. Express simple goals that extend over time, make plans, and follow through to complete them (e.g., Child says, "I want to play doctor after breakfast. Liam is going to play with me.", and then does so after eating).

C. Problem Solving. Standard 3: Children demonstrate flexibility and creativity by using a variety of strategies to solve problems.

1. Infants, Birth-11 months:

a. interact with objects in a variety of ways and notice the effects of their own actions;

b. attend to objects and/or activities in the environment;

c. solve simple problems and accomplish tasks using gestures, movement, and/or vocalizations (e.g., roll over to reach a toy, cry to express needs).

2. Young Toddlers, 9-18 months:

a. repeat behaviors to obtain desired results;

b. observe the ways in which others interact with objects and materials;

c. try out one or two strategies to accomplish tasks and solve problems with adult support.

3. Older Toddlers, 16-36 months:

a. experiment with the effects of simple actions on different objects (e.g., use a scoop to put sand into a bucket, then attempt to use a scoop to put water into a bowl);

b. observe and imitate actions of others when attempting to accomplish tasks or solve problems;

c. try out a variety of strategies to accomplish tasks and/or solve problems, often by trial and error.

4. Three Year Olds, 36-48 months:

a. make predictions based on past experiences;

b. recall and use previously successful strategies to complete tasks;

c. purposefully use a variety of strategies, changing the approach as needed, to accomplish tasks or solve problems.

5. Four Year Olds, 48-60 months:

a. make predictions and explain reasoning;

b. apply prior knowledge and experiences to complete new tasks and solve new problems;

c. communicate the steps used to solve problems and/or accomplish tasks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§303. Interpersonal Skills**

A. Relationships with Adults. Standard 1: Children engage in and maintain positive relationships and interactions with adults.

1. Infants, Birth-11 months:

a. notice and respond to familiar adults, such as returning a smile.

b. respond differently to familiar versus new adults, such as reaching for a familiar adult.

c. move or cry to seek attention and comfort from familiar adults.

d. engage in simple back-and-forth interactions with familiar adults, such as laughing when an adult makes a silly face.

e. repeat actions that elicit social responses from familiar adults (e.g., repeat cooing sound after adult responds).

2. Young Toddlers, 9-18 months:

a. mimic signs of recognition (e.g., smile, wave).

b. seek to be near familiar adults and respond cautiously to new adults;

c. request help from familiar adults to address wants and needs, such as bringing a book to an adult to be read.

d. initiate back-and-forth play with familiar adults, such as starting a game of peek-a-boo.

e. imitate gestures and sounds of familiar adults during interactions, such as repeating what an adult says.

3. Older Toddlers, 16-36 months:

a. Initiate signs of recognition with familiar adults by greeting, waving, or smiling.

b. Check in with familiar adults for reassurance when trying new things, such as grabbing a familiar adult's hand when entering a new place.

c. Request help from familiar adults when encountering difficult tasks or situations, such as asking for help to clean up a spill.

d. Initiate play and interactions with familiar adults, such as pretending to serve an adult food while playing.

e. Imitate behaviors observed in familiar adults, such as pretending to cook or read a book.

4. Three Year Olds, 36-48 months:

a. demonstrate recognition of familiar adults using simple actions or words;

b. separate from familiar adults when in familiar settings, such as leaving a familiar adult to join a swimming lessons class;

c. request help from adults to meet needs or solve problems, then attempt to implement suggestions with adult support;

d. interact with both familiar and unfamiliar adults, such as greeting a class guest by waving;

e. interact with adults to seek information and to socialize, such as asking a neighbor if they have a dog.

5. Four Year Olds, 48-60 months:

a. demonstrate recognition of familiar adults using multiple and varied actions or words;

b. separate from familiar adults in new settings, such as joining other children to play at a birthday party;

c. work with adults to generate ideas for accomplishing tasks or solving problems, then implement suggestions independently;

d. interact with adults new to their environment (e.g., substitute caregiver), such as asking a nurse questions at the doctor's office;

e. interact with adults to share ideas and plan activities, such as asking an adult to help sound out a new word in a book.

B. Relationships with Children. Standard 2: Children engage in and maintain positive relationships and interactions with other children.

1. Infants, Birth-11 months:

a. notice other infants and children, such as looking at children when they enter the classroom;

b. touch, smile, or babble to other infants and children.

2. Young Toddlers, 9-18 months:

a. interact briefly with other children using gestures, such as bouncing a toy upon seeing another child bounce a toy;

b. demonstrate awareness of conflict (e.g., cry, turn away), such as shaking head "no" when another child tries to take a toy.

3. Older Toddlers, 16-36 months:

a. Play alongside other children (parallel play) for short periods of time with adult support, such as sitting in a circle with a group singing "Itsy Bitsy Spider" led by an adult.

b. Take turns when playing with other children with adult guidance and support, such as taking turns scooping sand into a bucket after prompted by an adult.

c. Interact more frequently with a familiar child, such as choosing an activity based on another child's choice.

d. Seek assistance from adults to resolve conflicts with other children, such as asking an adult for help upon being pushed by another child.

4. Three Year Olds, 36-48 months:

a. Interact or play cooperatively with other children, such as asking another child, "Want to run with me?"

b. Demonstrate prosocial behaviors (e.g., taking turns, sharing) when playing with other children with some prompting from adults, such as waiting until another child is done playing on the swing and then getting onto the swing.

c. Demonstrate preference to play with one or more specific children, such as joining the same two children for several days to play tag.

d. Initiate an activity or join other children in an activity that is already in progress, such as saying, "I want to play!" and joining other children in the dramatic play center.

e. Suggest solutions to conflicts with adult guidance and support, such as saying, "I can ask them to stop," when

asked by an adult what to do when another child takes away a toy.

5. Four Year Olds, 48-60 months:

a. Interact or play cooperatively with a small group of children for a sustained period of time, such as working with a group of children to build a house out of blocks.

b. Demonstrate prosocial behavior (e.g., taking turns, sharing) when playing with other children with few reminders, such as playing with a toy and then passing the toy to another child who wants it.

c. Demonstrate preference to routinely play with one or more specific children, such as describing another child as their "best friend."

d. Initiate, join in, and sustain positive interactions with a small group of children, such as asking if they can play a game with a small group of children.

e. Suggest solutions to resolve conflicts with other children with limited adult support, such as telling another child, "I'm playing with these cars, so here is a truck you can use to play."

C. Self-Esteem. Standard 3: Children recognize themselves as individuals and express positive self-esteem.

1. Infants, Birth-11 months:

a. Look at or grab hands and feet.

b. Respond to one's own image in a mirror by smiling or moving closer.

c. React when name is called by smiling or turning to look at caregiver.

d. Express preferences by crying or turning away from dislikes and reaching for preferred objects, activities, and people.

e. Express satisfaction at accomplishing things such as holding a bottle or rolling over.

2. Young Toddlers, 9-18 months:

a. Point to body parts, including feet and hands, of themselves and others when each is named.

b. Recognize oneself in a mirror, such as by pointing or saying, "Me."

c. Respond when name is called by looking or moving toward a familiar adult.

d. Express preferences for objects, activities, and people using gestures, signs, or words, such as choosing a shirt to wear or which food they would prefer.

e. Demonstrate a sense of satisfaction when accomplishing simple tasks, such as smiling or clapping during play or chores.

f. Express pride over accomplishments, such as stacking blocks or cleaning up after playing.

3. Older Toddlers, 16-36 months:

a. Able to point to and name body parts including ears, eyes, nose, feet, and hands.

b. Identify oneself in photographs.

c. Use different words (e.g., I, me, mine) when referring to oneself, including first name.

d. Indicate preferences when asked, such as choosing juice over milk or coloring with crayons over finger painting.

e. Demonstrate confidence in one's own abilities and express satisfaction when demonstrating them to others, such as putting on their own shoes and exclaiming, "I did it!"

f. Call attention to new skills or abilities, such as using the bathroom independently and reporting to a familiar adult.

4. Three Year Olds, 36-48 months:

a. Begin to use words to describe personal physical characteristics (e.g., hair color, eye color).

b. Use one's own first and last name.

c. Express likes and dislikes, and make choices based on personal preferences, such as choosing a playground or center activity.

d. Demonstrate confidence in one's own abilities and accomplish routine and familiar tasks independently, such as brushing teeth and then saying, "My teeth are all clean!"

e. Express positive feelings about self when prompted, such as riding a tricycle and stating, "I did it myself."

5. Four Year Olds, 48-60 months:

a. Use words to describe personal physical characteristics (e.g., hair color, eye color).

b. Demonstrate confidence in one's own abilities, taking on new and challenging activities, and declining help when offered, such as offering to help other children tie shoes after tying their own shoes.

c. Describe oneself using positive terms (e.g., hard worker, good at drawing).

D. Self-Regulation. Standard 4: Children moderate their behavior and respond to the feelings of others.

1. Infants, Birth-11 months:

a. Express simple feelings (e.g., contentment, distress) using sounds, facial expressions, or body movements, such as smiling at others or crying when a diaper is dirty.

b. React to an adult's expression of feelings, such as ceasing to cry when an adult uses a soothing voice (e.g., facial expression, tone of voice, gestures).

c. React to others' expressions of feelings, such as beginning to cry when another child cries.

d. Express and act on impulses (e.g., cry when hungry; explore how hair feels by pulling it).

e. React to stressful situations by shifting attention or turning away, such as a child hugging a familiar adult when upset.

f. Accept comfort when held, rocked, or talked to by a familiar adult, such as ceasing to cry when a familiar adult sings a lullaby.

2. Young Toddlers, 9-18 months:

a. Express a range of basic feelings (e.g., happiness; sadness; fear; anger) using sounds, facial expressions, gestures, or actions, such as clapping and smiling when a favorite song plays.

b. Imitate adult expressions of feelings using facial expressions, sounds, gestures, or actions, such as smiling and waving hi upon seeing an adult smile and wave as someone enters the room.

c. Respond to others' feelings with adult support, such as consoling another crying child when prompted by an adult.

d. Accept some redirection from adults, such as sharing a toy when reminded to share by an adult.

e. Participate in simple routines and accept transitions with adult support, such as walking to the high chair after an adult puts on the child's bib.

f. Notice how others respond to one's own behaviors, such as when a child beats on drums then looks at an adult to see the reaction.

g. Use simple behaviors to soothe oneself when upset, such as moving to a caregiver's side when hearing loud thunder.

h. Look toward familiar caregivers for help when becoming upset.

3. Older Toddlers, 16-36 months:

a. Express a range of feelings (e.g., happiness, sadness, fear, anger, anticipation) using gestures, facial expressions, actions, or words, such as waiting eagerly for a snack.

b. Recognize one's own feelings when named by an adult, such as laughing when an adult asks, "What do we do when something is funny?"

c. Respond in caring ways to others' expressions of feelings, such as taking a blanket to a crying child.

d. Frequently respond positively to choices and limits set by an adult, such as stopping splashing water during hand washing after being reminded by an adult that the mess will have to be cleaned.

e. Participate in routines, accept transitions, and follow simple guidelines for behavior with adult support, such as stopping playing and beginning to clean up toys in a center when an adult plays the clean-up song and models cleaning.

f. Experiment with effects of one's own actions on objects and people, such as reaching for a plate when sitting down for a meal.

g. Imitate strategies to manage reactions and behavior with adult direction, such as a child sitting calmly during whole group time after an adult models.

h. Recover from outbursts (e.g., tantrums) with adult support, such as moving on to a new activity after becoming upset about sharing toys.

i. With adult guidance and support, demonstrate the ability to wait for a short period of time to get what one wants, such as sitting at a table and waiting for snacks to be distributed.

j. Change to new or different activities with adult guidance and support, such as singing a cleanup song when transitioning from playing with blocks to lunchtime.

4. Three Year Olds, 36-48 months:

a. Express complex feelings (e.g., gratitude, surprise, frustration, confusion) using actions or words, such as saying in frustration, "Ugh, I can't do it."

b. Accurately name one's own basic feelings (e.g., happy, mad, sad), such as a child expressing, "I am excited."

c. Accurately name basic feelings in others and respond with care and concern, such as asking other children, "What's wrong?" and trying to comfort or cheer them.

d. Participate in routines, manage transitions, and follow adult guidelines for behavior with occasional reminders, such as preparing for nap after a prompt from an adult by putting the mat in place and getting a blanket.

e. Demonstrate understanding of how one's own actions and behavior affect others, such as asking an adult for help rather than taking a toy from another child.

f. Use a variety of strategies, such as deep breathing or use of words, to manage reactions and behavior with adult support.

g. Express strong feelings constructively with assistance, such as going to a quiet area or asking for a favorite book to be read when upset.

h. Demonstrate the ability to wait to get something one wants (delayed gratification), such as waiting to take a turn riding a tricycle.

i. Follow schedules with few reminders, such as cleaning up toys and joining group activities.

5. Four Year Olds, 48-60 months:

a. Express strong feelings in a manner that is safe for self and others with occasional adult support, such as telling another child, "I'm mad at you because you don't want to play my game."

b. Accurately name one's own feelings and identify them in various situations, such as a child asking for a hug when feeling sad.

c. Accurately name feelings in others, predict causes, and respond with care and concern (e.g., "He's sad because someone took his toy. He can have mine.").

d. Participate in routines, manage transitions, and follow adult guidelines for behavior, adapting to changes in each as needed, such as transitioning easily from play inside to play outside and then to clean-up time with adult prompts.

e. Predict consequences of one's own and others' actions and behavior with adult support, such as when a child knows not to leave the caps off of markers to prevent their drying.

f. Manage reactions and behavior with occasional verbal, visual, or auditory reminders, such as singing a song with an adult while waiting for a turn to swing.

g. Able to decrease intensity of reactions more consistently, with adult support when needed, such as choosing a new activity rather than arguing with another child about sharing.

h. Follow rules and routines with occasional reminders from adults, such as consulting a picture schedule to remind oneself of the next daily activity, like outside time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§305. Language and Early Literacy Development**

A. Language Development, Receptive Communication. Standard 1: Children attend to, understand, and respond to verbal and non-verbal communication and language from others.

1. Infants, Birth-11 months:

a. Recognize more than one tone of voice in adults and respond with body movement and sounds.

b. Demonstrate interest in voices, and focus on speech, sounds, and other communication directed at them.

c. Respond or show excitement upon hearing familiar words.

d. Respond to simple requests accompanied by gestures or tone of voice.

2. Young Toddlers, 9-18 months:

a. Respond to facial expressions, tone of voice, and some words that communicate basic feelings.

b. Respond to speech and other communication directed at them.

c. Respond appropriately to familiar words, signs, and/or songs.

d. Follow simple directions, especially if accompanied by gestures.

3. Older Toddlers, 16-36 months:

a. Respond to facial expressions, tone of voice, and words that communicate a variety of feelings.

b. Respond to simple statements, questions, and other communication.

c. Demonstrate understanding of descriptive words through conversations and actions.

d. Follow one- or two-step directions with few gestures.

4. Three Year Olds, 36-48 months:

a. Respond to statements, questions, and other communication.

b. Demonstrate understanding of a variety of words through conversations and actions, including those relating to objects and actions. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.

c. Follow directions of two or more steps with familiar objects, experiences, and/or routines, using visual cues if needed (e.g., wash and dry hands using a visual of the hand-washing sequence).

5. Four Year Olds, 48-60 months:

a. Respond to complex statements, questions, and other communication that include multiple phrases and ideas.

b. Demonstrate understanding of a variety of words through conversations and actions, including words that express abstract concepts such as synonyms and opposites. Determine the meaning of unknown words by asking questions, using contextual clues, pictures, and/or prior knowledge.

c. Follow detailed directions that involve multiple steps (e.g., "Get the sponge, dampen it with water, and clean your table top.").

B. Language Development, Expressive Communication. Standard 2: Communicate with others to express oneself.

1. Infants, Birth-11 months:

a. Experiment with making sounds. Engage in babbling.

b. Communicate needs and wants, interest, or dislike through vocalizations, gestures, and facial expressions.

2. Young Toddlers, 9-18 months:

a. Communicate through word-like sounds, some words, and some simple phrases.

b. Express needs and wants and refer to familiar people and objects using verbal and non-verbal communication.

c. Respond to simple statements and questions about pictures, people, and things that are present.

d. Use some pronouns.

3. Older Toddlers, 16-36 months:
    - a. Communicate through simple phrases and/or short sentences, but may omit some words or use some words incorrectly (e.g., “Mommy goed to store”).
    - b. Communicate requests and describe familiar people and objects using verbal and non-verbal communication.
    - c. Answer and ask simple questions about things and activities at the time they are happening.
    - d. Use correct words for familiar people, objects, and animals. Describe observable characteristics of objects, such as color and size, with simple words. Expand their vocabulary by asking others to name unfamiliar objects.
    - e. Speak in a way that is understood by most familiar people.
    - f. Use the plural forms of some nouns, not always correctly. Use the past tense of some verbs. Use simple adjectives in statements.
  4. Three Year Olds, 36-48 months:
    - a. Communicate using simple sentences.
    - b. Communicate ideas, describe activities, and negotiate social interactions using verbal communication.
    - c. Answer and ask questions about a variety of familiar topics, activities, and/or concepts.
    - d. Express feelings, talk about position and direction, and describe actions using a variety of words. Describe the use of familiar objects, including objects that belong in the same category based on how they are used. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.
    - e. Speak in a way that is understood by unfamiliar listeners but may make some pronunciation errors.
    - f. Use common prepositions, correct subject-verb agreement, pronouns, and possessives.
  5. Four Year Olds, 48-60 months:
    - a. Communicate using longer sentences, including the use of descriptive details and vocabulary and/or combining two or three phrases.
    - b. Communicate about abstract ideas, tell a story, describe past experiences, and discuss objects that are not physically present using verbal communication. Adjust communication strategies if the message is not understood.
    - c. Answer and ask complex questions to learn more about topics of interest, understand tasks, and solve problems, with explanation or follow-up questions.
    - d. Use several words that explain the same idea (i.e., synonyms) and opposites. Use acquired vocabulary in conversations. Determine the meaning of unknown words using prior knowledge and context clues in conversation.
    - e. Speak in a way that is understood by unfamiliar listeners, with few pronunciation errors.
    - f. Correctly use a variety of different types of words, including prepositions, regular and irregular plural nouns, pronouns, possessives, and regular and irregular past tense verbs, most of the time.
- C. Language Development, Social and Conversational Rules. Standard 3: Children use social and conversational rules when communicating with others.
1. Infants, Birth-11 months:
    - a. Initiate interactions with another person using movement and/or behavior.

- b. Briefly pay attention to the same object at which the caregiver is looking. Engage in turn-taking during social and vocal play with adults and other children.
  2. Young Toddlers, 9-18 months:
    - a. Initiate interactions with others using gestures and/or vocalizations.
    - b. Establish joint attention by looking at an object, at their caregiver, and back at the object. Respond to communication from another person using multiple means (non-verbal and verbal).
    - c. “Jabber” and vocalize sounds in a way that is similar to the rhythm and flow of conversations around them.
  3. Older Toddlers, 16-36 months:
    - a. Ask questions or use verbal or non-verbal cues to initiate communication with others.
    - b. Participate in short conversations, with some turn-taking exchanges.
    - c. Listen attentively during brief group conversations and respond to questions or requests made to the group.
    - d. Communicate in short sentences that follow the word order of their home language.
  4. Three Year Olds, 36-48 months:
    - a. Sometimes initiate communication with peers by asking questions or using verbal or non-verbal cues.
    - b. Participate in conversations that include multiple turn-taking exchanges, particularly related to topics of interest.
    - c. Use appropriate volume and intonation when communicating, with modeling and support.
    - d. Make comments and ask questions related to the topic of discussion during small or large group conversations, with prompting and support. Follow simple rules for group discussions, with reminders.
    - e. Communicate in sentences and use more conventional grammar in their home language (plurals, tenses, prepositions). Make grammatical errors that follow their home language rules.
  5. Four Year Olds, 48-60 months:
    - a. Initiate communication with peers by asking questions or using verbal cues.
    - b. Initiate and participate in conversations that involve multiple turn-taking exchanges, with each exchange relating to and building upon the previous.
    - c. Use appropriate volume and intonation to match the situation when communicating.
    - d. Participate in a group discussion, making comments and asking questions related to the topic. Follow commonly accepted norms of communication in group settings with increasing independence.
    - e. Speak in full sentences that are grammatically correct within their home language most of the time.
- D. Early Literacy, Phonological Awareness. Standard 1: Children demonstrate awareness that spoken language is composed of smaller segments of words and sounds.
1. Young Toddlers, 9-18 months:
    - a. Demonstrate interest in familiar rhymes and songs.
  2. Older Toddlers, 16-36 months:
    - a. Sing songs and say or repeat familiar rhymes.

b. Sing songs with multiple words that start with the same initial sound.

3. Three Year Olds, 36-48 months:

a. Repeat rhyming words in familiar songs, finger plays, and rhymes, filling in rhyming words when given the opportunity.

b. Show awareness that some words start with the same initial sound.

c. Segment spoken sentences into individual words with guidance and support.

d. Identify syllables in spoken words with guidance and support.

e. Blend a sequence of spoken syllables to produce words with guidance and support.

4. Four Year Olds, 48-60 months:

a. Identify and produce rhyming words.

b. Identify the initial sound in a spoken word with guidance and support.

c. Segment spoken sentences into individual words.

d. Identify syllables in spoken words.

e. Blend a sequence of spoken syllables to produce words.

f. Blend onsets and rimes of single syllable spoken words with guidance and support.

E. Early Literacy, Print Concepts. Standard 2: Children demonstrate knowledge of books and how print conveys meaning.

1. Infants, Birth-11 months:

a. Explore books by touch (e.g., patting and/or chewing on board books).

b. Demonstrate interest in books by reaching for books and exploring books through touch.

2. Young Toddlers, 9-18 months:

a. Hold books, look at pictures, and help turn some pages.

b. Request to have books read to them.

3. Older Toddlers, 16-36 months:

a. Recognize some familiar symbols and logos in the environment.

b. Recognize that print, symbols, and pictures have meaning.

c. Hold a book as if reading and turn some pages, but not always in the right order. Recognize specific books by their covers and look for specific pages in familiar books.

d. Self-select familiar books and engage in shared reading.

4. Three Year Olds, 36-48 months:

a. Recognize and name familiar symbols and logos in the environment (environmental print).

b. Distinguish print from pictures and show awareness that print communicates meaning.

c. Hold a book right side up and turn most pages one by one from front to back. Demonstrate awareness that print progresses from left to right and top to bottom on a page with guidance and support.

d. Share self-selected familiar books and engage in pretend reading with others.

5. Four Year Olds, 48-60 months:

a. Recognize and name pictures, symbols, and logos in the environment (environmental print).

b. Demonstrate an understanding that print has meaning and corresponds with spoken language. Demonstrate awareness that written words are made up of a group of individual letters.

c. Hold a book right side up while turning pages one by one from front to back. Identify parts of a book such as the front, back, and title. Demonstrate awareness of some conventions of print (e.g., capital letters, where to start reading on a page, and how to progress across and down a page). Describe the role of the author and illustrator of a text.

d. Demonstrate interest in different kinds of literature, such as fiction and non-fiction books and poetry, on a range of topics.

F. Early Literacy, Alphabet Awareness. Standard 3: Children recognize and identify letters and make letter-sound connections.

1. Older Toddlers, 16-36 months:

a. Recognize letters of the alphabet as a special category of print, different from pictures and shapes.

2. Three Year Olds, 36-48 months:

a. Recognize and name some letters of the alphabet, especially those in their own name, as well as letters that occur frequently in the environment.

b. Identify the sound for a few recognized letters.

3. Four Year Olds, 48-60 months:

a. Recognize and name many of the letters in the alphabet, specifically letters in their own name, as well as letters that occur frequently in the environment.

b. Identify or produce the sound of many recognized letters.

c. Recognize their own name and some common words in print.

G. Early Literacy, Comprehension. Standard 4: Children show interest in and gain understanding from a variety of early literacy experiences.

1. Older Toddlers, 16-36 months:

a. Recite some words of a familiar book when read to, especially from books with repeating text.

b. Ask or answer simple questions about a familiar story or book, including informational text.

c. Recognize when a story or book describes something that is similar to their own experiences.

2. Three Year Olds, 36-48 months:

a. Tell make-believe or real-life stories, sometimes in random sequence.

b. Retell familiar stories using pictures or props as prompts.

c. Ask or answer questions about key details in a familiar story, informational book, or other text.

d. Answer questions about how events and information from stories relate to their own experiences.

e. Share their own thoughts and reactions to a story or text.

f. Explore a variety of literacy genres, including stories/make believe, informational text, and poetry.

3. Four Year Olds, 48-60 months:

a. Tell make-believe or real-life stories using a sequence of at least 2-3 connected events.

b. Describe some key details from familiar stories, such as characters, setting, and/or major events.

c. Ask or answer questions about key details in a familiar story, informational book, or other text. Make predictions about events that might happen next, with guidance and support.

d. Recall their own experiences that relate to events and information from stories or informational texts.

e. Analyze and reason about stories and other text with guidance and support during shared reading experiences.

f. Recognize differences between stories/make believe, information text, and poetry.

H. Early Literacy, Emergent Writing. Standard 5: Children write and draw to express their ideas, using some letters and print conventions.

1. Young Toddlers, 9-18 months:

a. Make marks or scribbles using a variety of media (e.g., finger paint, chalk).

2. Older Toddlers, 16-36 months:

a. Draw or scribble with a purpose during play or other activities.

b. Make intentional, more controlled scribbles and shapes (e.g., straight or curved lines).

c. Draw a picture and describe what it represents.

3. Three Year Olds, 36-48 months:

a. Show emerging awareness that writing can be used for a variety of purposes.

b. Write letter-like forms and a few letters, although often not oriented or written correctly. String some letter-like forms and/or letters together as if they are a word.

c. Dictate ideas for someone to write down. Use scribbles, shapes, letter-like forms, letters, and numerals to write and/or represent words or ideas. Discuss or answer questions about their writing and drawings.

4. Four Year Olds, 48-60 months:

a. Use writing for a variety of purposes to convey meaning.

b. Write some letters of meaningful words such as their name, using letters and letter-like forms.

c. Attempt to write some words using invented spelling. Demonstrate awareness of some print conventions (e.g., moving from left to right when writing; leaving space between some groups of letters).

d. Dictate elaborative or meaningful information or stories for someone to write down. Use writing and/or digital tools to communicate information. Use classroom resources (e.g., labels; anchor charts) to support writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

## **Chapter 5. Cognitive Development and General Knowledge**

### **§501. Mathematics**

A. Knowledge of Numbers. Standard 1: Children demonstrate knowledge of numbers and the relationships between numbers and quantities.

1. Infants, Birth-11 months:

a. Demonstrate interest in quantity during play (e.g., reach for more toys; hold two objects, one in each hand).

b. Indicate they want "more" using gestures, sounds, or looks.

2. Young Toddlers, 9-18 months:

a. Demonstrate interest in simple counting activities.

b. Indicate understanding of the concepts of "more," "all," and "none" using gestures, words, or actions.

3. Older Toddlers, 16-36 months:

a. Rote count to 10 with increasing accuracy.

b. Count a small set of objects (2-3) with one-to-one correspondence.

c. Indicate understanding of the concepts of "one" and "two" using gestures, words, or actions (e.g., child complies when adult says, "Take just one cookie").

d. Recognize a few numerals in the everyday environment.

e. Identify an object or person as first in a sequence.

4. Three Year Olds, 36-48 months:

a. Rote count to 10 with accuracy.

b. Count up to five objects arranged in a line with one-to-one correspondence.

c. Begin to understand that the last number counted represents how many objects are in a group (cardinality).

d. Recognize and name the number of items in a small set (up to three) without counting (subitizing).

e. Compare two groups of objects and indicate whether the number of objects in each group is the same or different.

f. Identify written numerals 0-5 by name and match each to counted objects.

g. Identify the first and often second object or person in a sequence.

5. Four Year Olds, 48-60 months:

a. Rote count to 20 with accuracy. Tell what number (1-10) comes next in order by counting.

b. Accurately count up to ten objects in a structured arrangement with one-to-one correspondence.

c. Tell how many objects are in a group by giving the last number counted (cardinality).

d. Recognize and name the number of items in a small set (up to five) without counting (subitizing).

e. Compare two groups of objects and identify whether the number of objects in one group is more, less, or the same as the number of objects in the other group.

f. Identify written numerals 0-10 by name and match each to counted objects.

g. Read and write some numerals up to 10.

h. Identify an object's or person's position in a sequence using ordinal numbers (e.g., first, second, third).

B. Patterns and Operations. Standard 2: Children demonstrate knowledge of patterns and operations.

1. Infants, Birth-11 months:

a. Demonstrate awareness of repeating sequences in everyday routines.

2. Young Toddlers, 9-18 months:

a. Notice and anticipate simple repeating sequences (e.g., go to table for lunch after washing hands).

3. Older Toddlers, 16-36 months:

a. Recognize and participate in patterns within stories and in songs.



4. Three Year Olds, 36-48 months:
  - a. Recognize and copy simple repeating patterns in different forms (e.g., red-blue, circle-square).
  - b. Combine and separate small groups of objects and describe the parts. (e.g., I have four cubes. Three are red, and one is blue.).

5. Four Year Olds, 48-60 months:
  - a. Identify, duplicate, extend, and create simple repeating patterns in different forms (e.g., red-red-blue, circle-square-triangle).
  - b. Solve simple addition and subtraction problems by using concrete objects or fingers during play and daily activities (e.g., If we have 3 apples and eat 1, how many apples do we have left?).

C. Measurement. Standard 3: Children measure objects by their various attributes and use differences in attributes to make comparisons.

1. Young Toddlers, 9-18 months:
  - a. Match two objects based on one observable feature.
  - b. Explore objects of different sizes and weights.

2. Older Toddlers, 16-36 months:
  - a. Group objects by one physical characteristic (attribute) (e.g., color, size, shape).
  - b. Make simple comparisons between two objects using measurable attributes (e.g., length, height, weight).

3. Three Year Olds, 36-48 months:
  - a. Sort objects into two or more groups based on one physical characteristic (attribute).
  - b. Describe objects using measurable attributes (e.g., tall/short, big/little, heavy/light).

4. Four Year Olds, 48-60 months:
  - a. Sort objects by one characteristic (attribute), then re-sort using a different characteristic and explain the reasoning with guidance and support.
  - b. Describe measurable attributes of objects and materials using comparative words (e.g., long, longer, longest).
  - c. Compare and order a small set of objects using measurable terms (e.g., length, weight).
  - d. Describe the purpose of simple measurement tools.

e. Measure using multiples of the same non-standard unit (e.g., paper clips, snap cubes) with guidance and support.

D. Shapes and Spatial Relationships. Standard 4: Children identify shapes and their properties, and describe the positions of objects in space.

1. Infants, Birth-11 months:
  - a. Explore various shapes through play.
  - b. Explore and respond to the movement of objects, people, or self (e.g., navigate obstacles while crawling to destination).

2. Young Toddlers, 9-18 months:
  - a. Explore the way shapes and objects fit together through play.
  - b. Explore and respond to how things move through space or fit together (e.g., putting smaller objects into a small box and larger objects into a large box).

3. Older Toddlers, 16-36 months:
  - a. Match basic shapes (e.g., circle, square, triangle) of the same size and orientation.
  - b. Move their body and objects to follow simple directions related to position (e.g., in, on, under, over, up, down).

4. Three Year Olds, 36-48 months:
  - a. Match a wider variety of shapes with different sizes and orientations.
  - b. Recognize basic shapes (e.g., circle, square, triangle).
  - c. Build objects by combining basic shapes (e.g., pictures, tangrams, block structures).
  - d. Move their body and objects to follow simple directions related to proximity (e.g., beside, between, next to).

5. Four Year Olds, 48-60 months:
  - a. Identify basic shapes (e.g., circle, square, triangle, rectangle) regardless of size and orientation.
  - b. Describe basic two- and three-dimensional shapes (e.g., a square has four sides, the ball rolls).
  - c. Create and build shapes using a variety of materials (e.g., popsicle sticks to create a square).
  - d. Identify and respond accurately to positional words indicating location, direction, and distance (e.g., above, below, in front of, near, behind).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§503. Science: Scientific Inquiry**

A. Science. Standard 1: Children engage in scientific inquiry to explore observable phenomena (objects, materials, organisms, and events) in the physical and natural world.

1. Infants, Birth-11 months:
  - a. Demonstrate interest in objects, materials, people, and/or their environment using their senses.
2. Young Toddlers, 9-18 months:
  - a. Observe and explore the immediate environment using their senses.
  - b. Actively experiment with and explore the physical properties of objects and substances.
  - c. Communicate, verbally or non-verbally, what is seen, heard, or felt when exploring the physical and natural world.

3. Older Toddlers, 16-36 months:
  - a. Observe, ask questions, and make predictions about the physical and natural world, using their senses and simple tools.
  - b. Put materials, substances, and/or objects together in new or unexpected ways to see what will happen.
  - c. Share ideas and thoughts related to interactions with and observations made about the physical and natural world.

4. Three Year Olds, 36-48 months:
  - a. Investigate, observe, ask questions, make predictions, make comparisons, and gather information about the physical and natural world using their senses and simple tools.

- b. Participate in simple scientific investigations.
- c. Describe and record findings from investigations they have conducted with prompting and support (e.g., verbally or non-verbally, drawings).

5. Four Year Olds, 48-60 months:

- a. Observe, ask questions, predict, make comparisons, and gather information about the physical and natural world using their senses, prior knowledge, previous experiences, equipment, and tools.

- b. Conduct scientific investigations and simple experiments.

- c. Describe and generate explanations and/or conclusions about investigations they have conducted with guidance and support (e.g., discussions, drawings, graphs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§505. Social Studies**

A. Standard 1: Children demonstrate an awareness of time (past, present, and future) and place within the community.

1. Infants, Birth-11 months:

- a. Demonstrate anticipation of events in daily routines and activities.

2. Young Toddlers, 9-18 months:

- a. Demonstrate anticipation of events in daily routines and activities using verbal and non-verbal cues.

3. Older Toddlers, 16-36 months:

- a. Respond (positively or negatively) to changes in routines or schedules.

- b. Demonstrate a general understanding of the passing of time and the meaning of phrases, such as “not now” and “after lunch”.

- c. Recognize familiar landmarks, signs, and buildings in one’s neighborhood/community.

4. Three Year Olds, 36-48 months:

- a. Recall the sequence of daily routines, events, and/or activities that happened at an earlier time.

- b. Communicate an awareness of time using gestures, words, or phrases (e.g., when I was little; when we lived in our old house).

- c. Communicate, with increasing specificity, the location of objects/areas at school, home, and within the community.

5. Four Year Olds, 48-60 months:

- a. Communicate events, activities, and people from the past.

- b. Use time-related vocabulary (e.g., today, tomorrow, before, after) with increasing accuracy.

- c. Identify familiar landmarks in their community (e.g., fire station, post office).

- d. Identify the relative location of specific objects and/or features in a familiar environment (e.g., classroom, playground) through drawings or play activities.

B. Standard 2: Children demonstrate an awareness of themselves as individuals and as members of a family and community.

1. Infants, Birth-11 months:

- a. Demonstrate a preference for familiar versus new individuals.

2. Young Toddlers, 9-18 months:

- a. Distinguish between familiar and new individuals.

3. Older Toddlers, 16-36 months:

- a. Identify known people in pictures.
- b. Carry out some routines and responsibilities in the classroom with adult support and guidance.

- c. Identify self as a member of a group (e.g., a member of a class, a member of a family).

4. Three Year Olds, 36-48 months:

- a. Communicate information about their family and community.

- b. Carry out routines and responsibilities in the classroom with prompting from adults.

- c. Share information about other members and activities of a familiar group (e.g., talk about class events, share a story about their birthday party).

5. Four Year Olds, 48-60 months:

- a. Describe familiar elements of one’s family, community, and traditions.

- b. Identify responsibilities of self and others in school, home, and community.

- c. Identify self as a member of groups and share information about other groups (e.g., gymnastics class, soccer team, member of a school).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§507. Creative Arts**

A. Music and Movement. Standard 1: Children engage in multiple and varied music and movement experiences.

1. Infants, Birth-11 months:

- a. Attend to, vocalize, and/or move body in response to different types of music and/or rhythmic sounds.

- b. Make sounds and/or music using their bodies, toys, or small, shaker-type instruments.

2. Young Toddlers, 9-18 months:

- a. Move body in response to the beat and tempo of music and/or rhythmic sounds.

- b. Imitate sounds and/or music using their bodies and/or small instruments.

3. Older Toddlers, 16-36 months:

- a. Move body to imitate the beat and tempo of music.

- b. Imitate sounds and/or music using their bodies, instruments, and/or voice.

4. Three Year Olds, 36-48 months:

- a. Move body with creativity to imitate the beat and tempo of music of different genres.

- b. Create music using their bodies, instruments, and/or voice.

5. Four Year Olds, 48-60 months:

- a. Express thoughts and feelings through dance and movement with increasing spatial awareness.

- b. Create music using instruments and/or voice to produce more complex rhythms, tones, melodies, and songs. Show increasing awareness of various components of music: melody (tune), pitch (high and low sounds), rhythm (beat), tempo (speed), and volume.

B. Visual Arts. Standard 2: Children engage in multiple and varied visual arts experiences.

1. Infants, Birth-11 months:
  - a. Attend to visual stimuli (e.g., objects with contrasting colors, textured prints).
2. Young Toddlers, 9-18 months:
  - a. Respond to visual art by reaching for, pointing at, touching, or vocalizing/verbalizing.
  - b. Explore a variety of materials to create visual art.
3. Older Toddlers, 16-36 months:
  - a. Observe and respond to visual art by communicating a preference.
  - b. Explore a variety of materials and tools to create visual art.
4. Three Year Olds, 36-48 months:
  - a. Observe and participate in discussions about various forms of art, including what they notice and what it makes them think about.
  - b. Explore a variety of materials, tools, and techniques to create artistic works.
5. Four Year Olds, 48-60 months:
  - a. Observe and participate in discussions about various forms of art, including how it makes them feel and/or specific elements of art (e.g., color, line, texture).
  - b. Use a variety of materials, tools, and techniques to create artistic works that reflect their own culture, thoughts, feelings, experiences, or knowledge.

C. Dramatic Play. Standard 3: Children engage in multiple and varied forms of dramatic play.

1. Infants, Birth-11 months:
  - a. Imitate behaviors, such as sounds, facial expressions, and gestures of others.
  - b. Respond to volume in tones and inflection.
2. Young Toddlers, 9-18 months:
  - a. Role-play familiar behaviors during play (e.g., rock baby doll, talk on phone).
  - b. Experiment with voice inflection during play.
3. Older Toddlers, 16-36 months:
  - a. Engage in dramatic play that expands beyond personal experiences (e.g., firefighter rescuing people).
  - b. Imitate and repeat voice inflections, such as character or animal sounds.
  - c. Use props and pretend to be someone other than themselves.
4. Three Year Olds, 36-48 months:
  - a. Engage in dramatic play that includes both real-life and fantasy experiences.
  - b. Create various voice inflections and facial expressions in play.
  - c. Engage in play experiences that involve roles with the use of props and costumes.
5. Four Year Olds, 48-60 months:
  - a. Participate in dramatic play to express thoughts, feelings, and creativity.
  - b. Represent a character by using voice inflections and facial expressions.
  - c. Engage in a variety of play experiences that include elements of drama (e.g., roles, dialogue, props).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

## Chapter 7. Physical Development

### §701. Physical Development

A. Gross Motor. Standard 1: Children demonstrate large muscle control and coordination.

1. Infants, Birth-11 months:
  - a. Explore the environment with increasing body awareness using senses and movement.
  - b. Demonstrate strength and control of head, trunk, arms, and legs while exploring new body positions and movements (e.g., sitting, crawling, kicking).
  - c. Demonstrate strength and control of one's body while exploring objects in their environment. (e.g., reaching, rolling over).
  - d. Engage in play to develop strength and stamina by continuing purposeful movements over short periods of time (e.g., reaching, pushing, rolling over).
2. Young Toddlers, 9-18 months:
  - a. Coordinate senses with movement to show where their body is in relation to other objects and people in the environment.
  - b. Move in a variety of ways and directions with increasing coordination and balance.
  - c. Maintain control of one's body in various positions while exploring and examining materials, activities, and spaces.
  - d. Engage in physical play activities for periods of time to develop strength and stamina.
3. Older Toddlers, 16-36 months:
  - a. Demonstrate body and spatial awareness to guide movement around objects and people.
  - b. Use large muscle movements (locomotor skills) with increasing control, coordination, and balance (e.g., moving from sitting to standing, jumping).
  - c. Use a variety of large muscle movements (non-locomotor) during play (e.g., hands in the air, turn around, stand on one foot).
  - d. Engage in physical play activities for moderate periods of time to develop strength and stamina.
4. Three Year Olds, 36-48 months:
  - a. Demonstrate body and spatial awareness in physical play activities (e.g., move around cones).
  - b. Use large muscle movements (locomotor skills) with control, coordination, and balance (e.g., running, hopping, climbing stairs).
  - c. Use large muscle movements (non-locomotor) with control, balance, and coordination during active play (e.g., bending, stretching, twisting).
  - d. Demonstrate strength and stamina that allows for participation in physical play activities for moderate periods of time.
5. Four Year Olds, 48-60 months:
  - a. Demonstrate increasing awareness of body and space in relation to other people and objects in physical play activities.
  - b. Coordinate movements of the whole body (locomotor skills) with control and balance to perform more complex tasks.
  - c. Demonstrate coordination when using objects during active play (e.g., throwing, catching, kicking balls).
  - d. Demonstrate increased strength and stamina that allows for participation in active play activities for extended periods of time.

B. Fine Motor. Standard 2: Children demonstrate small muscle control and coordination.

1. Infants, Birth-11 months:
    - a. Use whole hand and fingers to explore objects (e.g., touch, grasp, pick up, bang, transfer).
    - b. Coordinate eye and hand movements when grasping or picking up objects.
  2. Young Toddlers, 9-18 months:
    - a. Demonstrate control and coordination of hand and fingers (small muscles) to manipulate objects.
    - b. Coordinate eye and hand movements to explore objects and participate in play activities (e.g., fill containers, stack blocks).
  3. Older Toddlers, 16-36 months:
    - a. Demonstrate increasing control and coordination of hand and fingers (small muscles) while engaged in intentional activities.
    - b. Coordinate eye and hand movements while performing simple tasks (e.g., using utensils for eating, putting simple puzzles together, stringing large beads).
  4. Three Year Olds, 36-48 months:
    - a. Demonstrate increasing control and coordination of hands, fingers, and wrists (small muscles) to manipulate objects and tools with a purpose.
    - b. Demonstrate eye-hand coordination to manipulate smaller objects (e.g., large buttons, zippers, scissors) with increasing control.
  5. Four Year Olds, 48-60 months:
    - a. Coordinate the use of hands, fingers, and wrists to manipulate objects and perform activities and tasks with precision.
    - b. Demonstrate eye-hand coordination to perform complex tasks (e.g., cutting on lines, drawing) with moderate levels of precision and control.
- C. Healthy Behaviors. Standard 3: Children demonstrate healthy and safe behaviors.
1. Infants, Birth-11 months:
    - a. Engage in active movement (e.g., tummy time, holding head up, kicking legs, waving, rolling over).
  2. Young Toddlers, 9-18 months:
    - a. Engage in active play indoors or outdoors with adult support.
    - b. Participate in some basic safety practices (e.g., fire/tornado drills).
  3. Older Toddlers, 16-36 months:
    - a. Actively engage in physical activities indoors or outdoors (e.g., dance, hide and seek, climb on equipment).
    - b. Follow safety rules with adult support.
  4. Three Year Olds, 36-48 months:
    - a. Actively engage in a variety of games, as well as structured and unstructured indoor or outdoor physical activities.
    - b. Recognize some foods (real or pictures) that are healthy and other foods that are less healthy for the body.
    - c. Identify safety rules and follow them with guidance from adults.
  5. Four Year Olds, 48-60 months:
    - a. Initiate and engage in a variety of physical activities (e.g., games, exercises) that enhance physical fitness.
    - b. Identify different foods that are healthy and indicate why a particular food is healthy or unhealthy.

c. Identify and follow safety rules with minimal guidance from adults (e.g., hold an adult's hand when crossing the street, walk rather than run when indoors).

d. Begin to identify and alert others of potential hazards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:407.22, R.S. 17:407.23.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

## **Part CLIX. Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years**

### **Chapter 1. General Provisions**

#### **§101. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:24.2, and R.S. 17:153.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013), amended LR 49:1698 (October 2023), repealed LR 50:

#### **§103. Definitions**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013), amended LR 49:1699 (October 2023), repealed LR 50:

### **Chapter 3. Learning and Development**

#### **§301. Approaches to Learning**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2451 (September 2013), amended LR 49:1699 (October 2023), repealed LR 50:

#### **§303. Social and Emotional Development**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:1700 (October 2023), repealed LR 50:

#### **§305. Language and Early Literacy Development**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:1702 (October 2023), repealed LR 50:

### **Chapter 5. Cognitive Development and General Knowledge**

#### **§501. Mathematics [Formerly §303]**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:1705 (October 2023), repealed LR 50:

#### **§503. Science: Scientific Inquiry [Formerly §305]**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2454 (September 2013), amended LR 49:1707 (October 2023), repealed LR 50:

**§505. Social Studies [Formerly §307]**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), amended LR 49:1707 (October 2023), repealed LR 50:

**§507. Creative Arts**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2472 (September 2013), amended LR 49:1708 (October 2023), repealed LR 50:

**§509. Physical Development and Well-Being**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:1708 (October 2023), repealed LR 50:

**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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Early Learning and Development Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change, which repeals LAC 28:CLIX in Bulletin 136—*The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*, and adopt LAC 28:CXXXVI in Bulletin 136—*Louisiana Early Learning and Development Standards for Children Birth to Five Years*. The proposed change replaces previously adopted early learning and development standards. The proposed rule change makes technical changes to the original standards, renames §303 from “Social and Emotional Development” to “Interpersonal Skills”, and adds additional language either expanding existing, or adding, descriptions and examples for various progress indicators.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#025

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 137—Louisiana Early Learning Center Licensing Regulations—Early Learning Providers (LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, 1917)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed revisions strengthen measures designed to protect children and to provide additional clarity to early learning providers. Topics addressed include: updates and revisions to several definitions; clarification regarding early learning programs operating at the same address located on LEA property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization.

**Title 28  
EDUCATION**

**Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

**Chapter 1. General Provisions**

**§103. Definitions**

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*Child Care Criminal Background Check (CCCBC)*—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

*Child Care Market Rate Survey*—a survey that measures the prices charged by child care providers and paid by parents in a given child care market. The Child Care and Development Fund Programs require states to conduct child care market rate surveys.

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*Providers*—all owners, operators and directors of a center.

*Provisionally Employed Staff Member*—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the LDOE receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes or as otherwise determined by the LDOE in §1804 of this Part.

*Quiet Time*—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

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*Rest Time*—a daily period for children over age 12 months during which children are placed on mats or cots or in cribs as age appropriate.

*Staff*—all full-time or part-time, paid or non-paid individuals that perform services for the early learning center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees at the center such as the cook, housekeeper, driver, substitutes, secretary, bookkeeper, and foster grandparents, but does not include extra-curricular personnel, therapeutic professionals and other independent contractors.

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*Supervision*—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. Supervision requires physical presence with visual contact, accountability for care of the children, knowledge of activity requirements, and knowledge of the abilities and needs of the children.

*Supplement*—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

*Temporary Absence*—absence for running errands, attending conferences, etc.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:

**Chapter 7. Licensing Process and Procedures**

**§709. Validity of Licenses**

A. - E. ...

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same physical address as a licensed Head Start program or a licensed non-Head Start LEA program that is located on LEA property.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:1710 (October 2023), LR 50:

## **Chapter 9. Changes Requiring a New License**

### **§901. Change in Location**

A. Change in Location. When a center changes location, it is considered a new operation, and a new application and fee for licensure must be submitted, have verification of substantial compliance with the applicable licensing regulations, and a new license obtained, prior to opening at the new location.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 50:

### **§903. Change of Ownership**

A. ...

B. Prior to the ownership change, the new owner shall submit a new application and have verification of substantial compliance with the applicable licensing regulations in order to fee for licensure and obtain a new license.

C. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 47:1275 (September 2021), LR 50:

## **Chapter 11. Operating Violations and Incidents; Fines; Appeals**

### **§1103. Critical Incidents and Required Notifications**

A. - C. ...

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, shall contain all information requested on the form, and shall be submitted to the location indicated on the critical incident form.

C.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023), LR 50:

## **Chapter 15. Minimum General Requirements and Standards**

### **§1507. Daily Attendance Records**

A. ...

1. include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

A.2. - B. ...

1. include the first and last name of the staff member or owner, date, and arrival and departure times;

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 50:

## **§1509. Policies**

A. - A.12. ...

a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes or any other provisions of this Bulletin;

b. the monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1804.B and §1811.D of this Part;

c. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:

## **Chapter 17. Minimum Staffing Requirements and Standards**

### **§1711. Child-to-Staff Minimum Ratios**

A. - C. ...

D. Minimum child-to-staff ratios for centers are as follows.

1. Infants under 1 year, 5:1;
2. 1 year, 7:1;
3. 2 years, 10:1;
4. Children 3 years, 13:1;
5. 4 years, 15:1;
6. 5 years, 19:1;
7. 6 years and up, 23:1.

E. - K. ...

L. Maximum group sizes for centers are as follows.

1. Infants under 1 year, 15;
2. 1 year, 21;
3. 2 years, 20;
4. 3 years, 26;
5. 4 years, 30;
6. 5 years, 38;
7. 6 years and up, 46.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:

### **§1721. Continuing Education**

A. - E. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a

licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

F. - G. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023), LR 50:

## **Chapter 18. Child Care Criminal Background Checks (CCCBC)**

### **§1804. Provisional Status for Child Care Purposes**

A. - B. ...

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509 of this Part.

2. - 2.b. ...

c. The monitor shall accompany the provisionally-employed staff member at all times the provisionally-employed staff member is present at the center.

d. - g. Repealed.

3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:1713 (October 2023), LR 50:

### **§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department**

A. - D. ...

1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509 of this Part.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:1714 (October 2023), LR 50:

## **Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards**

### **§1901. General Safety Requirements**

A. - N. ...

O. The center shall prohibit the use of alcohol and tobacco in any form, and the use or possession of illegal substances, unauthorized potentially toxic substances, fireworks and firearms, and pellet and BB guns on the center premises and notice to this effect shall be posted.

P. - S.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023), LR 50:

### **§1917. Medication Administration**

A. - K.2.e. ...

L. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR 50:

### **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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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? Yes.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.



2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations Early Learning Providers

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change modifies policy to strengthen measures designed to protect children and to provide additional clarity to early learning providers. The proposed revisions address: updates and revisions to several definitions; clarification regarding early learning programs operating on

local education authority property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication administration trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#026

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs—Child Care Programs  
(LAC 28:CLXV.103, 309, 311, 313, 320, 507, and 515)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed revisions accomplish the following: strengthen measures designed to protect children, ensure better statewide access to quality early care and learning, and provide additional clarity to family child care, in-home, and school-based child care providers. The aforementioned revisions further codify definitions and regulations regarding CCAP contracted seats.

#### Title 28

#### EDUCATION

#### Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

#### Chapter 1. Child Care Assistance Program

#### §103. Definitions

*Automated Child Care Time and Attendance*—an electronic system that provides accurate and timely capturing, tracking, and reporting of time and attendance data.

*Back Scans*—attendance scans by head of household or household designee utilizing the LDOE Automated Child Care Time and Attendance system that are made at a time

other than the actual times of arrival and departure of the child.

*BESE*—Board of Elementary and Secondary Education.

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*Child Care and Development Fund (CCDF)*—federal program whose purpose is to increase the availability, affordability and quality of child care for eligible families.

*Child Care Assistance Program (CCAP)*—program funded through the CCDF that makes payments to eligible child care providers for child care services provided to eligible families through both voucher seats and contracted seats.

*Child Care Center*—any place or center operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least 12 1/2 hours in a continuous seven-day week.

*Child Care Criminal Background Check (CCCBC)*—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.71 and 45 CFR 98.43(b).

*Child Care Provider*—an early learning center, family child care provider, in home child care provider, military child care center or school child care center.

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*Child Care Resource and Referral (CCR and R)*—a state or local organization with whom the department has contracted to provide services to families, early childhood professionals, and communities statewide.

*Contracted Seats*—seats for full-time care for infants through three-year-old children of CCAP-eligible families, as defined in Chapter 5 of this Part, for which the LDOE pays a CCAP-certified child care provider for a specified number of child care seats.

*Criminal Background Check (CBC)*—a fingerprint-based personal Louisiana criminal history information record obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.71. A CBC is satisfactory if it shows no arrests for any crime included in R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or nolo contendere shall be deemed to be a conviction.

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*Family Independence Temporary Assistance Program (FITAP)*—program administered by the Department of Children and Family Services (DCFS) that provides cash assistance to families with dependent children.

*Full-Time Care*—child care calculated to be 30 or more hours per week that is paid in units of days or half days with a maximum of 22 days per month.

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*Supervision*—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed.

*Supplement*—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

*Supplemental Nutrition Assistance Program (SNAP)*—federal program administered by DCFS that provides monthly benefits to that help eligible low income households buy food needed for good health.

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*Unexplained Absence*—an absence for which the head of household has not provided verbal or written notification to the provider or the department about the absence.

*Voucher Seats*—a placement made to a CCAP-eligible family, as defined in Chapter 5 of this Part, that provides funding to a child care provider; this voucher is retained by the family when the child and family transfers to another CCAP-certified provider.

*Water Activity*—a water-related activity in which children are in, on, near and accessible to, or immersed in, a body of water, including but not limited to a swimming pool, wading pool, water park, river, lake, or beach.

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:

### **Chapter 3. CCAP Provider Certification §309. Specific Certification and Registration Requirements for Family Child Care Providers**

A. - A.2. ...

3. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the residence in which care is being provided. The provider shall notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.

4. - 9. ...

10. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

11. - 15.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

16. - 31. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:1208 (July 2023), LR 50:

**§311. Specific Certification Requirements for In-Home Child Care Providers**

A. - A.1. ...

2. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the home in which care is being provided. Notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.

3. - 8. ...

9. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician’s assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

10. - 14.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

A.15. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:1209 (July 2023), LR 50:

**§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers**

A. - A.5. ....

6. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician’s assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

7. - 8.d. ...

e. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards the annual training requirements. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician’s assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

9. - 11.b. ...

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

12. - 27. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February

2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:1209 (July 2023), LR 50:

**§320. Suspension of Payments to Providers**

A. ...

B. If the provider does not come into compliance within 14 calendar days of such notice, the LDE may suspend payments to the provider until the provider is in compliance.

C. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1280 (July 2017), amended LR 50:

**Chapter 5. CCAP Household Eligibility**

**§507. Certification Requirements for Categorically Eligible Households**

A. - A.2. ...

3. participate in the system designated by the LDOE for capturing time and attendance; and

4. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 50:

**§515. Payments Made on Behalf of Households**

A. - C.3. ...

D. Payment for voucher seats is made to the provider after the child care has been provided.

E. - G. ...

H. Payment for contracted seats.

1. Providers will be paid to reserve or hold a seat based on the approved age category for the designated seat.

2. The seat may be held and payment made for 45 calendar days prior to being filled.

3. After 45 calendar days, the contract for the seat will no longer be in effect, and the provider will not be paid to hold the seat.

4. The seat will be paid at the rate specified in the agreement with the provider for the length of the contract based on the age of the child at the contract start date.

5. Payments for contracted seats will be made prior to provision of child care services. Any payments made for contracts that are not filled will be rectified through the LDOE recoupment process.

6. The LDOE may terminate or refuse renewal of a provider’s contracted seats and impose a period of ineligibility for any provider found to operate in violation of the CCAP provider agreement and will be subject to §321 of this Part.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:1745 (December 2019), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022), LR 50:

**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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted,

amended, or repealed rules 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? Yes.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis,

Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 139—Louisiana Child Care and Development Fund Programs—Child Care Programs**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will increase the number of seats funded through the Child Care Assistance Program (CCAP). The average cost of a B-3 seat is \$12,500 and includes the average of the CCAP infant, toddler, and three-year-old rate. Currently, 4,500 children are enrolled in B-3 seats, with approximately 6,000 expected to be funded through the annual CCAP appropriation, including the contracted seats provided for through the proposed rule change. The FY 24 appropriation included in Act 447 of the 2023 Regular Session for this purpose was \$87.7 M. Additional reviewers of applications will be contracted as needed, estimated at a potential \$434,700 in FY 24, \$819,480 in FY 25, and \$819,480 in FY 26. These costs will be funded using federal dollars received through the American Rescue Plan Act (ARPA), the Childcare Development Block Grant, and the Child Care Development Fund.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change may result in economic benefits to directly affected persons, small businesses, or nongovernmental groups. The changes support the critical stabilization of the child care industry (which results in a more stable workforce across Louisiana industry and the economy) by paying the fixed costs of providing quality child care services. The changes will additionally assist providers in offering early learning care more consistently and comprehensively for more families and children, statewide, to ensure that some children in every parish receive care.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will provide for more stable employment within the child care sector and greater stability for owners of child care centers, as center leadership will be able to operate with greater assurance that payment will be received for a certain number of seats. More stable child care options will support parents in the workforce.

Beth Scioneaux  
Deputy Superintendent  
2404#031

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Civics and FAFSA (LAC 28: CXV.901 and 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions repeal policy requiring graduating seniors to complete certain actions related to applications for financial aid. Local education agencies (LEAs) must still provide students and their parents or guardians with information regarding financial aid programs to support post-secondary education and training. Further, LEAs must ensure that each student receives adequate support in completing and submitting an application for financial aid. However, a student action related to financial aid, including the completion of a financial aid application, is no longer a requirement for graduation. Finally, the aforementioned revisions update the implementation date for the LEAP 2025 Civics exam to align both the TOPS University Diploma and the Career Diploma.

#### Title 28 EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 9. Scheduling

##### §901. Scheduling

- A. - C. ...
- D. - D.4. Repealed.
- E. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17, R.S. 17:183.2, and R.S. 17:2926.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:557 (April 2016), LR 43:2483 (December 2017), LR 46:1083 (August 2020), amended LR 48:31 (January 2022), LR 49:250 (February 2023), repromulgated LR 49:856 (May 2023), LR 50:

#### Chapter 23. Curriculum and Instruction

##### Subchapter A. Standards and Curricula

##### §2319. The Career Diploma

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

c. Beginning with incoming freshmen in 2024-2025 and beyond, the LEAP 2025 Civics assessment will replace the LEAP 2025 U.S. History assessment as the Social Studies assessment required for graduation. The LEAP 2025 U.S. History assessment will be available through 2026-2027 for those students requiring a retest to fulfill graduation requirements. Students must pass three LEAP 2025 assessments in the following categories:

- i. English I or English II;
- ii. Algebra I or geometry;
- iii. biology or civics.

- B.1.d. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:252 (February 2023), LR 49:643 (April 2023), repromulgated LR 49:858 (May 2023), amended LR 50:

#### 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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Civics and FAFSA

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change repeals policy requiring graduating seniors to complete certain actions related to applications for financial aid. Local education agencies (LEAs) must still provide students and their parents or guardians with information regarding financial aid programs to support post-secondary education and training. Further, LEAs must ensure that each student receives adequate support in completing and submitting an application for financial aid. However, a student action related to financial aid, including the completion of a financial aid application, is no longer a requirement for graduation. The proposed change also updates the implementation date for the LEAP 2025 Civics exam to align both the TOPS University Diploma and the Career Diploma.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#032

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification  
of School Personnel—Principal Certification Pathways  
(LAC 28:CXXXI.1505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The proposed changes create an alternate pathway to educational leader certification for individuals who possess certain military or professional credentials. The alternate pathway would require completion of an LDOE educational leader training and passage of the BESE-approved school leader licensure exam. Upon employment as a school leader, the individual must be paired with a mentor school leader and must include as part of the school instructional leadership team an individual with an advanced degree in education.

### Title 28 EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 15. Administrative and Supervisory Credentials

#### Subchapter A. The Educational Leadership Certificate §1505. Educational Leader Certificate Level 1 (EDL 1)

A. - A.5.a. ...

6. Alternate Pathway 4. The alternate pathway 4 is for individuals who hold an advanced degree or certain military experience and seek issuance of an EDL 1. The candidate must:

a. complete the education leader training coordinated by LDOE, earn a passing score on the BESE-approved school leaders licensure assessment in accordance with state requirements, and

b. hold a Master of Public Administration, Master of Business Administration, or juris doctorate degree or have been a commissioned officer of the United States military who has been honorably discharged with a pay grade O-3 or higher.

c. be paired with an experienced school leader within the district who can act as a mentor, upon employment as a school leader; and

d. include in the school instructional leadership team an individual who holds at least a master's degree in education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), LR 50: (May 2024), LR 50:

#### **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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Principal Certification Pathways**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change creates an alternate pathway to educational leader certification for individuals who possess certain military or professional credentials. The alternate pathway would require completion of Louisiana Department of Education educational leader training, which will be developed and delivered using existing staff and resources, and passage of the Board of Elementary and Secondary Education approved school leader licensure exam, which currently costs \$130.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will provide an optional expedited pathway to help schools fill leadership roles.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may help place qualified individuals with unique skill sets into leadership roles as needed by schools and systems.

Beth Scioneaux  
Deputy Superintendent  
2404#034

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act Improving Processes Related to Children with Exceptionalities

(LAC 28:XLIII.120, 152, 301, 322, 503, 504, and 530)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*. The proposed amendments improve special education policy and processes by facilitating the timeliness and consistency by which the LDOE and LEAs administer the Children with Exceptionalities Act. The changes include: requiring LDOE posting of LEA IDEA monitoring results; establishing response timelines for parent requests for special education evaluation and provision of draft IEPs; and including additional information when considering student placement due to violation of student code of conduct.

**Title 28  
EDUCATION**

**Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act**

**Subpart 1. Students with Disabilities**

**Chapter 1. State Eligibility**

**Subchapter C. Least Restrictive Environment (LRE)**

**§120. Monitoring Activities**

A. - B.2. ...

C. Beginning in fall 2024, redacted information regarding the results of monitoring activities and any necessary corrective action will be posted to the LDOE website.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2040 (October 2008), amended LR 50:

**Subchapter J. State Complaint Procedures**

**§152. Formal Written Complaints Filing and Content Requirements**

A. - B. ...

1. a statement that a public agency has violated a requirement of Part B of the IDEA or these regulations, regardless of whether the violation resulted in a loss of FAPE;

2. - 6. ...

C. The complaint shall allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §151 - 153.

D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2046 (October 2008), repromulgated LR 36:1500 (July 2010), amended LR 50:

**Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements**

**Subchapter A. Parental Consent**

**§301. Parental Consent**

A. - 3.b. ...

4. Within a reasonable amount of time, and not longer than 15 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal.

B. - D.4. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2058 (October 2008), amended LR 36:1502 (July 2010), LR 50:

**Subchapter B. Evaluations and Reevaluations**

**§322. Parent Participation**

A. - E. ...

F. Parent Copy of Student's IEP. The public agency, upon parent request, shall give the parent a draft of the student's IEP at least three business days prior to an IEP meeting and shall provide the copy of the student's draft and final IEP at no cost to the parent.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2062 (October 2008), amended LR 50:

**Chapter 5. Procedural Safeguards**

**Subchapter A. Due Process Procedures for Parents and Students**

**§503. Independent Educational Evaluation (IEE)**

A. - B.1. ...

2. Within a reasonable amount of time, and not longer than 15 business days, of a parent request for an independent educational evaluation at public expense, the public agency shall, without unnecessary delay, either:

B.2.a. - E.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 34:2068 (October 2008), amended LR 50:

**§504. Prior Notice by the Public Agency; Content of Notice**

A. Notice. Written notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability a reasonable amount of time, and no less than 15 business days, before the public agency:

A.1. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2069 (October 2008), amended LR 50:

**Subchapter B. Discipline Procedures for Students with Disabilities**

**§530. Authority of School Personnel**

A. - E. ...

1. Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the student's IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student's file, including the student's IEP, the student's disciplinary and behavioral history and records, any available medical information related to behavior, any teacher observations, and any relevant information provided by the parents to determine:

E.1.a. - I.4. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2076 (October 2008), amended LR 43:2494 (December 2017), LR 50:

**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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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? Yes.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 1706—Regulations for  
Implementation of the Children with Exceptionalities  
Act—Improving Processes Related to Children  
with Exceptionalities**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change improves special education policy and processes by facilitating the timeliness and consistency by which the Louisiana Department of Education (LDOE) and local education agencies (LEA) administer the Children with Exceptionalities Act. The changes include: requiring LDOE posting of LEA IDEA monitoring results; establishing response timelines for parent requests for special education evaluation and provision of draft Individual Education Program; and including additional information when considering student placement due to violation of student code of conduct.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#024

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Immunization Exemption Communication  
(LAC 28:CLVII.303 and LAC 28:LXXIX.1101)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLVII in *Bulletin 135—Health and Safety* and LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. Louisiana R.S. 17:170 sets forth immunization requirements of students entering or attending schools in addition to the provisions for exemptions. To ensure compliance with this statute, the proposed revisions require inclusion of information regarding exemptions in any immunization communication provided to students and families.

**Title 28  
EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana  
Handbook for Nonpublic School Administrators  
Chapter 11. Health  
§1101. Immunization**

A. - G.3. ...

H. Any communication issued to persons, parents, or guardians regarding immunization requirements for a student attending or seeking to enter any school shall include information regarding immunization exemptions pursuant to Subsection E of this Section.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), LR 50:

**Part CLVII. Bulletin 135—Health and Safety  
Chapter 3. Health  
§303. Immunizations**

A. - A.2. ...

3. Any communication issued to persons, parents, or guardians regarding immunization requirements for a student attending or seeking to enter any school shall include information regarding immunization exemptions.

B. - H.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), LR 50:

**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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Immunization Exemption Communication

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. R.S. 17:170 sets forth immunization requirements for students entering or attending schools in addition to the provisions for exemptions. To ensure compliance with this statute, the proposed rule change requires inclusion of information regarding exemptions in any immunization communication provided to students and families. This can be done, at no additional cost, by adding a statement to existing publications or communications.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governments as a result of the proposed rule change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#030

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook  
for Nonpublic School Administrators  
Written Policies and Programs  
(LAC 28:LXXIX.119, 909, 1101, 1311, and 1501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The proposed revisions update the following policies and programs to ensure alignment with statute: corporal punishment consent; Purple Star Award Program; meningococcal disease immunization; bullying prevention; and tobacco prohibition at schools.

### Title 28

### EDUCATION

#### Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

#### Chapter 1. Operation and Administration §119. Written Policies

A. - D.5. ...

E. Any school that receives state funds shall have discretion in the use of corporal punishment as follows:

1. The governing authority of each nonpublic school shall adopt such rules and regulations to permit or prohibit any form of corporal punishment in the school(s) under its jurisdiction.

2. Corporal punishment is the use of physical force that causes pain or physical discomfort to discipline a student, with or without an object.

3. No form of corporal punishment shall be administered to a student with an exceptionality, excluding students identified as gifted and talented, as defined in R.S. 17:1942, or to a student who has been determined to be eligible for services under section 504 of the Rehabilitation Act of 1973 and has an individual accommodation plan.

4. Corporal punishment does not include:

a. the use of reasonable and necessary physical restraint of a student to protect the student or others from bodily harm or to obtain possession of a weapon or other dangerous object from a student; nor

b. the use of seclusion as provided in R.S. 17:416.21.

5. The use of any form of corporal punishment is prohibited without prior written parental consent.

6. Such consent applies only to the school year in which it is given.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:416.11, R.S. 44:411, and R.S. 17:437.2.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 49:36 (January 2023), LR 50:

## **Chapter 9. Student Services**

### **§909. Purple Star School Award Program**

A. A nonpublic school shall be labeled a “purple star school” if it has exhibited a major commitment to military-connected students and families, as demonstrated by meeting the following requirements.

1. The school has designated a staff member as a military liaison to serve as the primary point of contact for military-connected students and families.

2. The designated staff member responsibilities shall:

a. identify special considerations needed by military-connected students and families; and

b. develop training to inform teachers and other school personnel of such special considerations.

B. Schools labeled as “purple star schools” shall:

1. maintain a dedicated page on the school website featuring resources for military-connected students and families;

2. maintain a student-led transition program to provide peer support for military-connected students; and

3. adopt a resolution stating a commitment of support for military-connected students and families.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:101, and SCR 15 (2021).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 50:

## **Chapter 11. Health**

### **§1101. Immunization**

A. - F. ...

G. Meningococcal Disease Immunization

1. Students entering sixth grade shall provide evidence of current immunization against meningococcal disease as a condition of entry into the sixth grade at any school in the state.

2. A student who is 11 years old and is entering a grade other than the sixth grade and a student who is 16 years old and is entering a grade other than eleventh grade must provide satisfactory evidence of current immunization against meningococcal disease as a condition of entry into such grade at any school in the state.

3. Meningococcal disease immunization requirements shall not apply to students whose parent or legal guardian have submitted either a signed waiver stating that the student shall not be immunized against meningococcal disease for personal reasons, a written statement from a physician stating that the immunization is contraindicated for medical reasons, or a written explanation indicating the student is unable to comply due to a shortage of available vaccines against meningococcal disease.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), LR 50:

## **Chapter 13. Preventive Programs**

### **§1311. Bullying**

A. Policy. Each nonpublic school shall develop and adopt a policy that prohibits the bullying of a student by another student in accordance with R.S. 17:416.14.

1. The bullying policy shall be implemented in a manner that is ongoing throughout the year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

2. The policy shall contain the definition of bullying found in this Section and shall address the following:

a. process for reporting and appeals;

b. procedures for investigating reports of bullying;

and

c. the disciplinary and criminal consequences of bullying another student.

B. Training for School Personnel. Each school shall create a program to provide for all school employees, including bus drivers, who have contact with students. The training shall be four hours for new employees and two hours annually thereafter and shall specifically include the following:

B.1. - C.3. ...

D. - G.3.c. Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:416.13.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), LR 50:

## Chapter 15. Building Operation and Maintenance

### §1501. Building and Maintenance

A. - B. ...

C. Use of any tobacco or tobacco product, including but not limited to smoked or smokeless products and electronic devices, in any school building, on any school property, or on any school bus or school vehicle used to transport students is prohibited. The prohibition is applicable to all school employees, students, and visitors. This prohibition shall not be applicable to any tobacco cessation product approved by the U.S. Food and Drug Administration.

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, R.S. 17:240.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 50:

#### 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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Written Policies and Programs

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates the following policies and programs to ensure alignment with statute: corporal punishment consent; Purple Star Award Program; meningococcal disease immunization; bullying prevention; and tobacco prohibition at schools.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2404#033

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Emission Standard for Asbestos  
(LAC 33:III.5151)(AQ396)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.5151 (AQ396).

LAC 33:III.5151 regulates the owners and/or operators of demolition or renovation activities that disturb asbestos at or above stated thresholds, including the removal of regulated asbestos-containing materials (RACM) or the renovation or demolition of asbestos-containing materials. Residential exemptions are not currently addressed in LAC 33:III.5151. In order to address this oversight, we propose the following changes to clarify that isolated individual residences that are demolished are exempt from the requirements in LAC 33:III.5151. The basis and rationale for the proposed rule are to clarify when isolated individual residences that are demolished by an individual or local governmental unit are exempt from the provisions of LAC 33:III.5151. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant  
Emission Control Program**

**Subchapter M. Asbestos**

**§5151. Emission Standard for Asbestos**

A. - F.I.f. ...

g. Residential Exemptions

i. The demolition or renovation of any residential building with four or fewer dwelling units is exempt from the requirements of this Subsection as follows.

(a). A demolition or renovation of a residential building with four or fewer dwelling units by any person, for any reason, if the residential building is not an installation or part of an installation, as defined in Subsection B of this Section, and the activity is not part of a planned commercial or public project, and is not intentionally burned. Any structure, installation, or building that was previously subject

to this Subchapter is not excluded, regardless of its current use or function.

(i). The demolition or renovation of any residential building with four or fewer dwelling units that is part of a planned commercial or public project, or is considered an installation or part of an installation, as defined in Subsection B of this Section, is subject to the requirements of this Subsection.

(b). For purposes of this Section, the demolition or renovation of a residential building with four or fewer dwelling units that has been declared a safety hazard or public nuisance by local government is not considered a planned public project if it is not part of a larger planned project, i.e., is not included in the development of new commercial, public, or community facilities or roads. In this case, the residential building is not considered an installation and the activity is exempt from the requirements of this Subsection.

h. - l. ...

m. All demolition and renovation activities shall take all precautions to prevent particulates from becoming airborne, i.e., using water to control the dust particles, as required by LAC 33:III.1305.A.

n. Circumvention. No owner or operator of a renovation, demolition, or asbestos-contaminated debris activity (ACDA) shall cause or permit a planned project to be subdivided to circumvent the requirements applicable to a renovation, demolition, installation, or ACDA, i.e., awarding to multiple contractors, or awarding work to the same contractor under multiple scopes of work.

F.2. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2745 (November 2012), LR 40:519 (March 2014), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known adverse impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting

should reference this proposed regulation by AQ396. Such comments must be received no later than June 6, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ396. The proposed regulation is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

**Public Hearing**

A public hearing will be held via Zoom on May 30, 2024, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/9373792954?omn=86101753811> or by telephone by dialing (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below, or at (225) 219-1325.

The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Emission Standard for Asbestos**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This proposed rule change clarifies that demolition of blighted residences by local governmental units are exempt from the reporting, handling, and hauling/disposal costs outlined in LAC 33:III.5151 that are associated with regulated asbestos projects. If this proposed rule change is not promulgated then all demolitions of blighted residences by local governmental units will be considered regulated projects and the costs of the demolitions will increase. These increased costs will limit and delay the removal of blighted residences that present health and safety hazards. The department anticipates no change to State 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 governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no effect on competition and employment related to this rule change.

Aurelia S. Giacometto  
Secretary  
2404#020

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Board of Trustees of the Firefighters' Pension  
and Relief Fund for the City of New Orleans**

Open Meetings via Electronic Means  
(LAC 58:V.2101 and 2103)

The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans ("Fund"), pursuant to R.S. 11:363(F), proposes to adopt LAC 58:V.2101 and 2103. Adopting Chapter 21 provides for disability accommodations by providing accessibility to board meetings by electronic means.

**Title 58**

**RETIREMENT**

**Part V. Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity  
Chapter 21. Procedural Rules and Regulations of the Board of Trustees**

**§2101. Agency Ineligibility**

A. The fund does not meet the criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means, because it

1. is not a state agency as defined by R.S. 49:951; and
2. has powers, duties or functions that are limited in scope to a particular political subdivision or region.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 50:

**§2103. Disability Accommodations**

A. Despite ineligibility to conduct open meetings via electronic means, nonetheless the fund is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the fund with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the fund representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as

soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

E. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 50:

**Family Impact Statement**

The proposed addition to LAC 58:2101 and 2103 should have no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule has 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 local government to perform this function.

**Poverty Impact Statement**

The proposed amendments to LAC 58: 2101 and 2103 should have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

The proposed amended Rules should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rules are not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Any interested person may submit written comments regarding the content of this proposed Rule to Thomas Meagher, Secretary-Treasurer of the Fund, 5710 General Haig, New Orleans, Louisiana, before 5 p.m., on May 10, 2024.

Thomas Meagher  
Secretary-Treasurer

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Open Meetings via  
Electronic Means**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule. The Firefighters' Pension and Relief Fund for the city of New Orleans and Vicinity is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

The Firefighters' Pension and Relief Fund proposes to adopt Chapter 21 (Procedural Rules and Regulations of the Board of Trustees) of Part V, Title 58 (Retirement) of the

Louisiana Administrative Code. Specifically, the proposed rule establishes the framework for disability accommodations by:

Allowing members of the public and participating members of the agency with an ADA-qualifying disability to request accommodations.

Including contact information for the agency representative who is responsible for disability accommodations in the public notice for meetings.

Providing a timeline to meet the requested disability accommodations.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Thomas F. Meagher, III  
Secretary-Treasurer  
2404#016

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Controlled Dangerous Substances (CDS) Licensing  
(LAC 46:LIII.2707 and 2711)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2707 and §2711 of its rules relative to CDS licensing procedures and actions on CDS licenses. The proposed Rule change in §2707 streamlines the CDS license reinstatement process, updates the facility CDS license change of ownership procedures, and adds a new subsection to address changes to CDS license status. The proposed Rule change in §2711 repeals Subsection M and moves that language in a modified version to §2707.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances  
Subchapter B. Licenses**

**§2707. Licensing Procedures**

A. - B.3. ...

4. A CDS license not renewed within 30 days following the expiration date shall be considered terminated by the board. The reissuance of a terminated CDS license shall require compliance with the board's reinstatement procedures.

C. Application for Reinstatement of CDS License

1. ...



2. An application for the reinstatement of an expired credential which has been terminated may be approved when the applicant's primary credential is in an acceptable practice status with the issuing agency.

3. An application for the reinstatement of a CDS license inactivated as a consequence of the suspension or revocation of the primary credential by the issuing agency shall require verification of the reinstatement of the primary credential. Where the issuing agency reinstating the primary credential has restricted any privileges for controlled substances, the restrictions shall be attached to the reinstated CDS license.

4. An application for the reinstatement of a CDS license inactivated as a consequence of a Surrender for Cause of DEA Certificate of Registration to the DEA may be approved when the applicant's primary credential is in an acceptable practice status with the issuing agency.

5. An application for the reinstatement of a CDS license for a pharmacy which was suspended or revoked by the board may only be approved by the full board following a hearing to determine whether the reinstatement of the license is in the public's best interest.

6. Applications requiring a reinstatement hearing shall be accompanied by payment of the administrative hearing fee identified in Section 115 of this Part.

D. - D.3....

E. Facility Change of Ownership Procedures

1. A CDS license is not transferable.

2. A new application shall be filed and a new CDS license obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the credential has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).

3. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.

4. An application for a new CDS license shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.

5. Nothing in this section shall prohibit an entity from applying for a new CDS license in order to separate itself from actions which may have been committed by the previous ownership under the existing CDS license.

F. Change of CDS License Status

1. Any person or facility holding a valid CDS license which ceases to engage in activity requiring a CDS license may relinquish said license to the board.

a. Prior to relinquishment of said license, the person or facility shall dispose of all controlled substances and any unused order forms in his possession or under his control in compliance with federal laws and regulations.

2. In the event a person or facility agrees to a Surrender for Cause of DEA Certificate of Registration to the DEA, then the CDS license of the person or facility shall be inactivated.

3. In the event the primary credential of a person or facility is suspended or revoked by the issuing agency, then the CDS license of the person or facility shall be inactivated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 43:957 (May 2017), LR 46:570 (April 2020), LR 47:1641 (November 2021), amended LR 50:

#### §2711. Actions on Licenses

A. - L.2. ...

M. - M.4. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2132 (October 2008), amended LR 50:

#### Family Impact Statement

In accordance with Section 953 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. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### **Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr.,

Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 28, 2024.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Tuesday, May 28, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Controlled Dangerous Substances (CDS) Licensing**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

In addition to the cost of rulemaking, which is approximately \$750 in FY 24 and \$500 in FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are expected to result in savings to the Louisiana Board of Pharmacy (LBP) due to fewer required inspections of Controlled Dangerous Substance (CDS) licensed facilities.

The proposed rule changes in §2707 streamline the CDS license reinstatement process. In circumstances where the CDS license has not been disciplined by the LBP directly (such as expiration of the license), the changes allow the CDS license to be reinstated as long as the license holder's primary credential is in an acceptable practice status with the issuing agency. The proposed changes also update the facility CDS license change of ownership procedures by reducing the number of circumstances under which a new license is needed, which LBP expects will result in a reduction in required inspections.

The proposed rule changes in §2711 repeal Subsection M-*Surrender of License* and moves that language to §2707 using modified language more reflective of current LBP practices concerning changes to CDS license status.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

LBP anticipates the proposed rule changes will result in a reduction in revenue collections for LBP by eliminating the need for new CDS license applications (and commensurate fees) under certain circumstances relating to change of facility ownership. While the amount of the reduction is indeterminable, it is anticipated to be approximately \$400 per year.

The proposed rule changes will eliminate the need for some CDS license applications due to a change of ownership. The application fee for a CDS license ranges from \$20 to \$100, according to classification. Based on historical data, LBP estimates that the proposed rule changes will eliminate the need for approximately 8 such applications per year at \$50 per application, leading to an expected \$400 annual decrease in revenue, though the actual amount will vary depending on the number of applications which are no longer necessary under the proposed rule.

The proposed rule changes will not affect revenue collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit certain CDS license holders undergoing a change in ownership by eliminating the need for a new CDS license in some circumstances. Eliminating the need to apply for a license due to a change of ownership will save the business between \$20 and \$100 in application fees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot, Jr.  
Executive Director  
2404#042

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Open Meetings via Electronic Means (LAC 46:LIII.105)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §105 of its rules relative to board procedures. Pursuant to Act 393 of the 2023 regular session, the proposed Rule change in §105 provides for participation in open meetings via electronic means for people with disabilities.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 1. Introduction**

**§105. Board Procedures**

A. - C.2. ...

D. Open Meetings via Electronic Means

1. Disability Accommodations

a. People with disabilities are defined as any of the following:

i. A member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

ii. A designated caregiver of such a person; or

iii. A participant member of the board with an ADA-qualifying disability.

b. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number, and email address of the board representative to whom a disability accommodation may be submitted.

c. The designated board representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

d. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2076 (October 2003), effective January 1, 2004, amended LR 50:

**Family Impact Statement**

In accordance with Section 953 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. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

**Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

**Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency

has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 28, 2024.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9a.m. on Tuesday, May 28, 2024 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Open Meetings via Electronic Means**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the cost of rulemaking, which is approximately \$500 in FY 24 and FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

The proposed rule changes explain that since the Louisiana Board of Pharmacy (LBP) does not meet the criteria pursuant to Act 393 of the 2023 RLS, it is not eligible to conduct open public meetings via electronic means. The proposed rule changes note that LBP is obligated to provide for participation in open meetings via electronic means by people with disabilities. The proposed rule changes define "people with disabilities," require the written public notice for an open meeting to include contact information of any person for whom a disability accommodation may be submitted, and detail the process LBP will follow in accommodating requests for participation by eligible individuals. LBP currently has a teleconference link as part of its office telecommunications package and therefore will not incur additional expenses to accommodate requests.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will help make meeting participation more accessible for members of the public or the board who have ADA-recognized disabilities. The proposed rule may result in travel savings to certain members of the public with disabilities as they can now participate in the meeting virtually.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot, Jr.  
Executive Director  
2404#043

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Board of Pharmacy

#### PMP Advisory Council Open Meetings via Electronic Means (LAC 46:LIII.2905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to adopt §2905 relative to the Prescription Monitoring Program. Pursuant to Act 393 of the 2023 regular session, the proposed Rule for adoption provides for conducting open public meetings via electronic means and participation in open meetings via electronic means for people with disabilities.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 29. Prescription Monitoring Program

#### §2905. Advisory Council Open Meetings via Electronic Means

##### A. Council Eligibility

1. In accordance with R.S. 42:17.4 the council is eligible to conduct open public meetings via electronic means.

##### B. Postings Prior to Meeting via Electronic Means

1. At least 24 hours prior to the electronic meeting, the council shall provide the following, which shall be posted on the Board's website, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the board:

- a. the notice and agenda for the meeting;
- b. detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

##### C. Disability Accommodations

1. Although an open meeting may be scheduled as in-person, nonetheless the council is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as any of the following:

- a. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
- b. a designated caregiver of such a person; or
- c. a participant member of the agency with an ADA-qualifying disability.

3. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

4. The designated agency representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

5. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.4.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 50:

#### Family Impact Statement

In accordance with Section 953 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. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule for adoption will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule for adoption will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule for adoption will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule for adoption will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule for adoption will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule for adoption will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule for adoption will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule for adoption will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule for adoption will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule for adoption will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule for adoption will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for

adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule for adoption will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule for adoption will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule for adoption will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule for adoption will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule for adoption will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule for adoption will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule for adoption will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule for adoption. The deadline for the receipt of this Rule. 2024.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule for adoption is scheduled for 9:00 a.m. on

Tuesday, May 28, 2024 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: PMP Advisory Council Open Meetings via Electronic Means**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Other than the cost of rulemaking, which is approximately \$500 in FY 24 and FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

The proposed rule changes explain that the Prescription Monitoring Program (PMP) Advisory Council is eligible to conduct open public meetings via electronic means since it meets the criteria pursuant to Act 393 of the 2023 RLS and is obligated to provide for participation in open meetings via electronic means by people with disabilities. The proposed rule changes detail the process for posting the meeting notice and agenda, as well as detailed information regarding how members of the public may participate in the meeting, prior to the electronic council meeting. The proposed changes also describe the requirements and limitations of electronic meetings. The proposed rule changes define "people with disabilities," require the written public notice for an open meeting to include contact information for the agency representative to whom a disability accommodation may be submitted, and detail the process the agency will follow in accommodating requests for participation by eligible individuals.

With respect to ADA accommodations, LBP currently has a teleconference link as part of its office telecommunications package and therefore will not incur additional expenses. With respect to open public meetings via electronic means, the PMP Council has decided to continue meeting in-person since the requirement in statute is to meet only once a year. However, should they decide to meet electronically in the future, LBP currently has a Zoom video communications account and any additional costs above the monthly contracted rate to accommodate one council meeting per year would likely be negligible.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will benefit PMP Advisory Council members by allowing the council to conduct open public meetings via electronic means. The proposed rule changes will help make meeting participation more accessible for members of the public or the board who have ADA-recognized disabilities. The proposed rule may result in travel savings to certain members of the public with disabilities as they can now participate in the meeting virtually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot, Jr.  
Executive Director  
2404#044

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Behavioral Health**

Children's and Adult Mental Health Services  
(LAC 50:XXXIII.Chapters 23, 61, 63, and 65)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health propose to amend LAC 50:XXXIII.Chapters 23, 61, 63, and 65 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health propose to amend the provisions governing children's and adult mental health services to expand the mental health professionals eligible to provide therapeutic services to include provisionally licensed professional counselors, provisionally licensed marriage and family therapists, and licensed master social workers.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXXIII. Behavioral Health Services**

**Subpart 3. Children's Mental Health Services**

**Chapter 23. Services**

**§2301. General Provisions**

A. All specialized behavioral health services must be medically necessary. The medical necessity for services shall be determined by a licensed mental health professional (LMHP) or physician who is acting within the scope of his/her professional license and applicable state law.

B. Services provided to children and youth must include communication and coordination with the family and/or legal guardian and, for children in state custody, the custodial agency. Coordination with other child-serving systems should occur as needed to achieve the treatment goals. All coordination must be documented in the child's medical record.

1. The agency or individual who has the decision-making authority for a child or youth in state custody must request and approve the provision of services to the recipient.

C. Children who are in need of specialized behavioral health services shall be served within the context of the family and not as an isolated unit.

1. - 1.b....

2. Services shall be appropriate to children and youth of diverse racial, ethnic, religious, sexual, and gender identities, as well as other cultural and linguistic groups.

C.3.c. - D. ...

E. Services may be provided at a site-based facility, in the community, or in the individual's place of residence as outlined in the treatment plan.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2358 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018), LR 50:

**§2303. Covered Services**

A. The following behavioral health services shall be reimbursed under the Medicaid Program:

1. therapeutic services delivered by licensed mental health professionals (LMHP), provisionally licensed professional counselors (PLPC), provisionally licensed marriage and family therapists (PLMFT), or licensed master social workers (LMSW);

A.2. - B.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018), LR 50:

**Subpart 7. Adult Mental Health Services**

**Chapter 61. General Provisions**

**§6103. Recipient Qualifications**

A. Individuals 21 years of age and older who meet Medicaid eligibility shall qualify to receive adult mental health services referenced in LAC 50:XXXIII.6307 if medically necessary in accordance with LAC 50:I.1101, if the recipient presents with mental health symptoms that are consistent with a diagnosable mental disorder, and the services are therapeutically appropriate and most beneficial to the recipient.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:358 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:794 (June 2020), repromulgated LR 46:951 (July 2020), amended LR 50:

**Chapter 63. Services**

**§6301. General Provisions**

A. All mental health services must be medically necessary, in accordance with the provisions of LAC 50:I.1101. The medical necessity for services shall be determined by a licensed mental health professional or physician who is acting within the scope of his/her professional license and applicable state law.

B. - C.3.c. ...

D. Anyone providing mental health services must operate within their license and scope of practice.

E. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), repromulgated LR 46:952 (July 2020), amended LR 50:

### **§6303. Assessments**

A. Assessments shall be performed by a licensed mental health professional (LMHP), provisionally licensed professional counselor (PLPC), provisionally licensed marriage and family therapist (PLMFT), or licensed master social worker (LMSW).

B. Assessments for community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR) must be performed by a fully licensed mental health professional at least once every 365 days or any time there is significant change to the enrollee's circumstances.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), amended LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 50:

### **§6305. Treatment Plan**

A. - B.1. ...

C. The treatment plan shall be developed by the licensed mental health professional (LMHP) in collaboration with direct care staff, the recipient, family and natural supports.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:951 (July 2020), amended LR 50

### **§6307. Covered Services**

A. The following mental health services shall be reimbursed under the Medicaid Program:

1. therapeutic services delivered by licensed mental health professionals (LMHPs), provisionally licensed professional counselors (PLPC), provisionally licensed marriage and family therapists (PLMFT), or licensed master social workers (LMSW), and physicians;

A.2. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), amended by the

Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 46:1680 (December 2020), LR 48:1098 (April 2022), LR 50:

## **Chapter 65. Provider Participation**

### **§6501. Provider Responsibilities**

A. ...

B. Providers shall deliver all services in accordance with their license and scope of practice, with federal and state laws and regulations, the provisions of this Rule, the provider manual and other notices or directives issued by the department. The provider shall create and maintain documents to substantiate that all requirements are met.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, as it will increase access to mental health professionals eligible to provide therapeutic services.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses, as it allows certain mental health professionals to be reimbursed for therapeutic services they were previously not eligible to provide to Medicaid beneficiaries.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may have a positive impact on the direct or indirect cost to the provider, and on the provider's ability to provide the same level of service as described in HCR 170, as it allows certain mental health professionals to be reimbursed for



mental health therapeutic services they were previously not eligible to provide to Medicaid beneficiaries.

**Public Comments**

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2024.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Children’s and Adult  
Mental Health Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. The proposed rule adds provisionally licensed mental health professionals (PLMHPs) and licensed master social workers (LMSWs) to the professionals eligible to render therapeutic services; however, these PLMHPs and LMSWs are paid at a lesser rate than the current licensed mental health professionals (LMHPs) workforce, which has continued to decrease over time. As such, the expansion of eligible providers is projected to be budget neutral due to this continued decline in the higher paid LMHPs, along with the anticipated lower utilization of services rendered by these providers. It is anticipated that \$1,188 (\$594 SGF and \$594 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing children's and adult mental health services to expand the mental health professionals eligible to provide therapeutic services to include provisionally licensed mental health professionals and licensed master social workers.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$594 will be collected in FY 23-24 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing children's and adult mental health services to expand the mental health professionals eligible to provide therapeutic services to include provisionally licensed professional counselors (PLPC), provisionally licensed marriage and family therapists (PLMFT), and licensed master social workers (LMSW). The proposed rule will allow Medicaid beneficiaries to receive mental health therapeutic services from PLPCs, PLMFTs, and LMSWs and will permit these mental health professionals to be reimbursed for services they were previously not eligible to provide. It is anticipated that implementation of this proposed rule will not result in costs to providers and small businesses in FY 23-24, FY 24-25, and FY 25-26.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2404#045

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

Inpatient Hospital Services  
(LAC 50:V.121, 123, 125, and 127)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:V.121, 123, 125, 127 and repeal the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act.

Register Date	Title	Register Volume, Number	Page Number
January 20, 1994	Inpatient Psychiatric Services—Distinct Part Psychiatric Units	Volume 20, No. 01	49
February 20, 1997	Hospital Prospective Reimbursement Methodology for Long—Term Acute Hospitals	Volume 23, No. 02	202

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to repeal the above listed Rules which were promulgated prior to implementation of the *Louisiana Administrative Code* (LAC) codification system and to amend the provisions governing inpatient hospital services in order to promulgate the criteria to qualify for reimbursement as a distinct part psychiatric unit in a codified format in the LAC and add qualifying criteria for rehabilitation, long-term, and freestanding hospitals.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospital Services**

**Chapter 1. General Provisions**

**§121. Distinct Part Psychiatric Units**

A. Qualifying Criteria. Reimbursement of psychiatric services (including substance use treatment) provided by acute care general hospitals, long-term acute hospitals, children's hospitals, and rehabilitation hospitals is allowable only for psychiatric services provided in distinct part psychiatric units that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt psychiatric unit criteria in 42 CFR 412.27 and other applicable Medicare guidelines;

2. licensing standards related to hospital psychiatric units/services in LAC 48:I.Chapters 93, 94, and 95; and

3. enrolled in Medicaid and assigned a separate distinct part psychiatric unit provider number.

EXCEPTION: Emergency psychiatric admissions to non-psychiatric inpatient hospitals/units shall be paid the psychiatric rate until the beneficiary can be stabilized and transferred to a psychiatric hospital or unit.

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, Bureau of Health Services Financing, LR 50:

**§123. Psychiatric Hospitals**

A. Qualifying Criteria. Reimbursement of inpatient psychiatric services (including substance use treatment) provided by freestanding psychiatric hospitals is allowable only if provided in psychiatric hospitals that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt psychiatric hospital criteria in the 42 CFR 412.23(a), other applicable Medicare guidelines; and

2. licensing standards related to psychiatric services/hospitals in LAC 48:I.Chapters 93, 94, and 95.

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, Bureau of Health Services Financing, LR 50:

**§125. Rehabilitation Hospitals**

A. Qualifying Criteria. Reimbursement of inpatient rehabilitation services provided by freestanding rehabilitation hospitals is allowable only if provided in rehabilitation hospitals that meet the following criteria:

1. Medicare prospective payment system (PPS) exempt rehabilitation hospital criteria in 42 CFR 412.23(b) and other applicable Medicare guidelines; and

2. licensing standards related to rehabilitation services/hospitals in LAC 48:I.Chapters 93, 94, and 95.

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, Bureau of Health Services Financing, LR 50:

**§127. Long-Term Hospitals**

A. Qualifying Criteria. Reimbursement as a long-term hospital is only allowable for inpatient services provided in hospitals that meet the Medicare prospective payment system (PPS) exempt long-term hospital criteria in 42 CFR 412.23(e) and other applicable Medicare guidelines.

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, Bureau of Health Services Financing, LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2024.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Inpatient Hospital Services**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule repeals inpatient hospital services rules which were promulgated prior to implementation of the Louisiana Administrative Code (LAC) codification system and amends the provisions governing inpatient hospital services in order to promulgate the criteria to qualify for reimbursement as a distinct part psychiatric unit in a codified format in the LAC and add qualifying criteria for rehabilitation, long-term, and freestanding hospitals.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$378 will be collected in FY 23-24 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule repeals inpatient hospital services rules which were promulgated prior to implementation of the Louisiana Administrative Code (LAC) codification system and amends the provisions governing inpatient hospital services in order to promulgate the criteria to qualify for reimbursement as a distinct part psychiatric unit in a codified format in the LAC and add qualifying criteria for rehabilitation, long-term, and freestanding hospitals. It is anticipated that implementation of this proposed rule will not result in costs to providers of inpatient hospital services or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial ensuring that the provisions governing reimbursement for inpatient psychiatric services are accurately promulgated in the administrative rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2404#046

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

**Pharmacy Benefit Management Program  
Excluded Drugs (LAC 50:XXIX.107)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXIX.107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recommended that the Department of Health, Bureau of Health Services Financing clarify language in the Medicaid State Plan relating to drugs excluded from coverage under the Medical Assistance Program by removing references to specific drugs and including the information in the provider manual. The department proposes to amend the provisions governing the Pharmacy Benefit Management Program in order to align the language in the *Louisiana Administrative Code* relative to drugs excluded from Medicaid coverage with the CMS-approved State Plan amendment.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 1. General Provisions**

**§107. Prior Authorization**

A. - C.3. ...

D. Drugs Excluded from Coverage. As provided by §1927(d)(2) of the Social Security Act, the following drugs are excluded from program coverage:

1. select covered outpatient drugs when used for anorexia, weight loss, or weight gain as determined by the department;

2. select covered outpatient drugs when used to promote fertility as determined by the department;

3. select covered outpatient drugs when used for symptomatic relief of cough and cold as determined by the department;

4. select prescription vitamin and mineral covered outpatient drugs as determined by the department; and

a. - o. Repealed.

D.5. -E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), LR 45:665 (May 2019), LR 46:33 (January 2020), LR 48:1582 (June 2022), LR 49:2106 (December 2023), LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or

family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider’s ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Ms. Sullivan, JD, is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2024.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pharmacy Benefit Management Program—Excluded Drugs**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Pharmacy Benefit Management Program in order to align the language in the *Louisiana Administrative Code* relative to drugs excluded from coverage under the Medical Assistance Program with the Medicaid State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no impact on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated \$270 will be collected in FY 23-24 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing the Pharmacy Benefit Management Program in order to align the language in the *Louisiana Administrative Code* relative to drugs excluded from coverage under the Medical Assistance Program with the Medicaid State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). This action is a result of a recommendation by CMS to remove references to specific drugs from the Medicaid State Plan and include this information in the provider manual. Implementation of this proposed rule will not result in costs to pharmacy providers, small businesses, or the Medicaid Program in FY 23-24, FY 24-25, and FY 25-26, since the proposed rule does not change the drugs that are currently covered in the Medicaid Program.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2404#047

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

Provider Screening and Enrollment (LAC 50:I.Chapter 15)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.Chapter 15 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing provider screening and enrollment in order to comply with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements to align the provisions governing out-of-state enrollment and single case agreements with the Medicaid Provider Enrollment Compendium, to codify provisions for informal hearings and appeal rights for provider enrollment denials and terminations, and to ensure that the administrative rule is consistent with current practices.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. Administration**

**Subpart 1. General Provisions**

**Chapter 15. Provider Screening and Enrollment**

**§1501. General Provisions**

A. Pursuant to the provisions of the Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, 42

C.F.R. § Part 455, Subpart E, and the 21st Century Cures Act, the Medicaid Program adopts the following provider enrollment and screening requirements. The Centers for Medicare and Medicaid Services (CMS) has established guidelines for provider categorization based on an assessment of potential for fraud, waste, and abuse for each provider type. The Medicaid Program shall determine the risk level for providers and will adopt these federal requirements in addition to any existing requirements. Providers must comply with all applicable federal regulations and state requirements for their provider type prior to enrollment with the Medicaid Program. Additional enrollment requirements may be adopted in the future.

B. In accordance with PPACA and federal regulations, the Medicaid Program shall screen all initial applications, including applications for a new practice location, and any applications received in response to a re-enrollment or revalidation, utilizing the following guidelines. If a provider could fit within more than one risk level described in this section, the highest level of screening is applicable.

1. Provider types shall be categorized by the following risk levels:

a. high categorical risk—categories of service that pose a significant risk of fraud, waste, and abuse to the Medicaid Program;

b. moderate categorical risk—categories of service that pose a moderate risk of fraud, waste, and abuse to the Medicaid Program;

c. limited categorical risk—categories of service that pose a minor risk of fraud, waste, and abuse to the Medicaid Program.

C. Screening activities for the varying risk levels shall include the following mandates.

1. High risk level screening activities shall include:

a. fingerprinting submission by the provider and any person with a 5 percent or more direct or indirect ownership interest in the provider, within 30 days upon request from CMS or the Department of Health (LDH);

b. criminal background checks for all disclosed individuals;

c. site visits before and after enrollment by LDH and/or CMS, its agents, or designated contractors; and

i. - v. Repealed.

d. verification of provider-specific requirements including, but not limited to:

i. license verification;

ii. national plan and provider enumeration system (NPPES) national provider identifier (NPI) registry check;

iii. Office of Inspector General (OIG) exclusion check;

iv. disclosure of ownership/controlling interest information;

v. the Social Security Administration's death master file (SSA DMF) check;

vi. Medicaid and Children's Health Insurance Program (CHIP) state information sharing system (MCSIS) check;

vii. systems for award management (SAM) check;

viii. LA adverse actions check; and

ix. provider enrollment, chain, and ownership system (PECOS) check.

2. Moderate risk level screening activities shall include:

a. site visits before and after enrollment by LDH and/or CMS, its agents, or designated contractors; and

b. verification of provider-specific requirements including, but not limited to:

i. ...

ii. NPPES NPI check;

iii. ...

iv. disclosure of ownership/controlling interest information;

v. SSA DMF check;

vi. MCSIS check;

vii. SAM check;

viii. LA adverse actions check; and

ix. PECOS check.

3. Limited risk level screening activities shall include, but are not limited to:

a. verification of provider-specific requirements including:

i. ...

ii. NPPES NPI check;

iii. ...

iv. disclosure of ownership/controlling interest information verification;

v. SSA DMF check;

vi. MCSIS check;

vii. SAM check;

viii. LA adverse actions check; and

ix. PECOS check.

D. The Medicaid Program may rely on, but is not limited to, the results of provider screenings performed by:

1. ...

2. other Medicaid agencies; or

3. CHIP of other states.

E. Updated Medicaid enrollment forms may require additional information for all disclosed individuals.

F. Providers shall be required to revalidate their enrollments with the Medicaid Program at a minimum of five year intervals. A more frequent revalidation requirement, a minimum of three year intervals, shall apply to durable medical equipment (DME) providers and pharmacy providers with DME or home medical equipment (HME) specialty enrollments. All providers shall be required to revalidate their enrollment under PPACA and Medicaid criteria.

1. Repealed.

G. Provider Screening Application Fee

1. In compliance with the requirements of the PPACA and 42 C.F.R. § 455.460, the department shall collect an application fee for provider screening prior to executing provider agreements from prospective or re-enrolling providers other than:

a. individual physicians or non-physician practitioners; or

G.1.b. - G.2. ...

H. After deactivation of a provider enrollment number for any reason, before the provider's enrollment may be reactivated, the department must re-screen the provider and require payment of associated provider application fees.

I. Any enrolled provider is subject to CMS, its agents, its designated contractors, or the department conducting unannounced on-site inspections of any and all provider locations.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1051 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:920 (May 2018), LR 50:

### **§1503. Termination or Denial of Provider Enrollment**

A. The department will deny or terminate a provider's enrollment in the Medical Assistance Program in accordance with 42 C.F.R. § 455.416.

1. - 2.a. Repealed.

B. The department may deny or terminate a provider's enrollment in the Medical Assistance Program for any of the grounds listed in R.S. 46:437.14.

1. - 2. Repealed.

C. The department may deny a provider's application for enrollment in the Medical Assistance Program if, based on the grounds listed in R.S. 46:437.14, the secretary determines that the denial is in the best interest of the Medical Assistance Program and the department specifies the reasons for denial, as permitted by R.S. 46:437.13(C)(2).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1052 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 50:

### **§1505. Informal Hearing**

A. A provider, or their agent, who seeks to appeal a notice of action issued by the department may first request an informal hearing with the department.

1. - 3.c.ii.(d). Repealed.

B. A provider, or their agent, who has received a notice of action shall be provided with an informal hearing if the provider, or their agent, makes a written request to the department for an informal hearing within 15 days of the date of the notice of action.

C. The notice of action is presumed to be received by the provider if the notice is mailed to the provider's mailing address listed with the Medicaid Program or if the notice is electronically mailed to the provider's e-mail address listed with the Medicaid Program.

D. The request for an informal hearing must be made in writing and sent in accordance with the instructions in the notice of action.

E. The time and place for the informal hearing will be set out in the notice of setting of the informal hearing.

F. The informal hearing is designed to provide the opportunity:

1. for the provider or agent of the provider to informally review the situation and action proposed by the department;

2. for the department to offer alternatives based on information presented by the provider or agent of the provider, if any; and

3. for the provider or agent of the provider or other person to evaluate the necessity for seeking an administrative appeal. During the informal hearing, the

provider or agent of the provider may be afforded the opportunity to talk with the department's personnel involved in the situation, to review pertinent documents on which the alleged violations are based, to ask questions, to seek clarification, to provide additional information and be represented by counsel or other person. Upon agreement of all parties, an informal discussion may be recorded or transcribed.

G. At any time prior to the issuance of the written results of the informal hearing, the notice of action may be modified by the department.

1. If a finding or reason is removed from the notice of action by the department, no additional time will be granted to the provider, or their agent, to prepare for the informal hearing.

2. If additional reasons or actions are added to the notice of action prior to, during, or after the informal hearing, the provider, or their agent, shall be granted an additional 10 working days to prepare responses to the new reasons or actions proposed by the department, unless the 10-day period is waived by the provider, or their agent.

H. Notice of the Results of the Informal Hearing. Following the informal hearing, the department shall inform the provider, or their agent, in writing of the results of the informal hearing, which could range from modifying or upholding the termination, denial, or other actions contained in the notice. The notice of the results of the informal hearing must be signed by the director of the Bureau of Health Services Financing (BHSF) or their designee and the section chief of Medicaid Program Operations and Compliance or their 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, Bureau of Health Services Financing, LR 45:273 (February 2019), amended LR 50:

### **§1507. Administrative Appeal**

A. The provider, or their agent, has the right to request an administrative appeal within 30 days of the date of the notice of action or within 30 days of the date of the notice of the results of the informal hearing.

B. The appeal request must be adequate as to form and timely lodged with the Division of Administrative Law.

C. The notice of action and the notice of the results of the informal hearing are presumed to be received by the provider if the notice is mailed to the provider's mailing address listed with the Medicaid Program or if the notice is electronically mailed to the provider's e-mail address listed with the Medicaid Program.

D. The department shall not terminate an existing Medicaid provider agreement unless the provider, or their agent, has exhausted their appeal rights, the timeframe for an appeal has expired, or the termination is permitted due to the imposition of sanction(s) by the department and the director of Program Integrity pursuant to LAC 50:I.4101 et seq.

E. The provider's termination or denial in the Medicaid Program will become final if the provider, or their agent, does not timely request an appeal in accordance with the appeal deadlines described in this Subpart or once the provider's appeal rights are otherwise exhausted.

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, Bureau of Health Services Financing, LR 50:

### **§1509. Basis of Administrative Appeal**

A. A provider, or their agent, may only appeal to the Division of Administrative Law a notice of action or a notice of the results of the informal hearing issued by the department that terminates or denies the provider's enrollment in Medicaid. Other actions by the department related to Medicaid provider enrollment and screening are not appealable.

1. If the provider, or their agent, timely requests an administrative appeal, then the provider, or their agent, has the right to challenge the basis for the termination or denial imposed by the department related to the provider's Medicaid enrollment, provider enrollment application, and/or the revalidation application.

2. The provider, or their agent, must specifically state the basis for the appeal and the actions challenged on appeal.

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, Bureau of Health Services Financing, LR 50:

### **§1511. Out-of-State Medicaid Provider Enrollment**

A. An out-of-state provider is a provider located in a state other than Louisiana whose services are rendered in that state, excluding Louisiana Medicaid trade areas.

B. An out-of-state provider who wishes to participate in the Louisiana Medicaid Program must enroll with the Louisiana Medicaid Program and be assigned an identification number.

C. To enroll, the provider must submit a provider enrollment application to Louisiana Medicaid.

D. A retroactive provider enrollment date of no more than 365 days may be considered for approval by the department under the following circumstances:

1. A provider requests that the enrollment be retroactive to a specific date.

2. The provider submits proof of service rendered to a Louisiana Medicaid beneficiary within 365 days prior to the application received date, via submission of the claim.

3. All risk screening activities support that the provider was eligible as of the requested date of enrollment.

E. Out-of-state providers must accept Louisiana Medicaid reimbursement as payment in full for the covered services authorized. The department reserves the right to set rates for services.

F. Out-of-state providers who furnish services to Medicaid beneficiaries are not required to be enrolled if they meet the following criteria as detailed in the CMS Medicaid Provider Enrollment Compendium:

1. the item or service is furnished by an institutional provider, individual practitioner, or pharmacy at an out-of-state practice location;

2. the furnishing provider's NPI is on the claim;

3. the furnishing provider is enrolled and in an approved status in Medicare or in another state's Medicaid plan;

4. the claim represents services furnished; and

5. the claim represents either:

a. a single instance of care furnished over a 180-day period; or

b. multiple instances of care furnished to a single beneficiary over a 180-day period.

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, Bureau of Health Services Financing, LR 50:

### **§1513. Out-of-Network Providers**

A. Out-of-network providers under single case agreements are not considered network providers and therefore are not subject to the requirements at 42 C.F.R. § 438.602(b). Out-of-network providers do not have to be screened and/or enrolled in the department's fee-for-service program. Additionally, emergency room physicians are only subject to 42 C.F.R. § 438.602(b) to the extent they meet the definition of a network provider in 42 C.F.R. § 438.2.

B. The department may adopt limits or thresholds that require out-of-network providers to convert to an in-network status upon reaching a specific threshold of services provided to a network beneficiary or beneficiaries. A provider's conversion to an in-network status triggers the requirement for the provider to be screened and enrolled pursuant to 42 C.F.R. § 438.602(b)(1).

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, Bureau of Health Services Financing, LR 50:

### **§1515. Temporary Moratoria**

A. The department will comply with 42 C.F.R. § 455.470, which pertains to the imposition of temporary moratoria on the enrollment of new providers or provider types as implemented by the secretary of the U.S. Department of Health and Human Services (HSS).

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, Bureau of Health Services Financing, LR 50:

### **§1517. Managed Care Organization Payment**

#### **Accountability and Provider Credentialing**

A. All managed care organizations (MCOs) participating in the Medical Assistance Program must comply with all requirements described in R.S. 46:460.72 and R.S. 46:460.73, which pertain to provider notices and payment accountability.

B. A provider who receives a notification of deficiency from a Medicaid MCO as described in R.S. 46:460.73(A)(1) may seek review of the matter to the department if the conditions of R.S. 46:460.73(A)(2) apply. The provider must notify the department of their intent to appeal the notification within 10 calendar days of the date of the MCO's notification and provide a detailed request for departmental review with supporting documents within 15 calendar days of the date of the MCO's notification.

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, Bureau of Health Services Financing, LR 50:

### **§1519. Definitions**

A. As used in this Subpart the following terms shall have the following meanings:

1. *Agent*—a person who is employed by or has a contractual relationship with a provider or who acts on behalf of the provider.

2. *Beneficiary*—an individual who is enrolled to receive health care through the Medical Assistance Program.

3. *Claim*—any request or demand, including any and all documents or information required by federal or state law

or by rule made against Medical Assistance Program funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. Each claim may be treated as a separate claim, or several claims may be combined to form one claim.

4. *Department*—the Louisiana Department of Health (LDH).

5. *Disclosed Individuals*—persons required to be disclosed to the department, as the Medicaid agency, by the provider, such as, but not limited to:

a. *Agents or Managing Employees*—Pursuant to 42 C.F.R. § 455.106(a), a provider must disclose to the Medicaid agency the identity of each person who is an agent or managing employee of the provider and has been convicted of certain crimes. An agent or managing employee is any individual who exercises operational or managerial control, conducts day-to-day operations of the provider agency, or any person with authority to obligate or act on behalf of the disclosing entity, such as, but not limited to, a general manager, business manager, administrator, board member, chief operating officer, trustee, or partner.

b. *Persons with Ownership or Control Interest*—Pursuant to 42 C.F.R. §455.104(b), a provider must disclose the identity of all persons that have an ownership or control interest (either separately or in combination) of 5 percent or more in the provider.

6. *Division of Administrative Law*—the Louisiana Division of Administrative Law, which operates as Louisiana’s centralized administrative hearings panel for disputes between government agencies and regulated individuals and entities.

7. *Federal Regulations*—the provisions contained in the Code of Federal Regulations (C.F.R.) or the Federal Register (FR).

8. *General Terms*—Definitions contained in applicable federal laws and regulations shall also apply to this Subpart and all department regulations. In the case of a conflict between federal definitions and departmental definitions, the department’s definition shall apply unless the federal definition, as a matter of law, supersedes a departmental definition. Definitions contained in applicable state laws shall also apply to this and all departmental definitions. In the case of a conflict between a state statutory definition and a departmental definition, the departmental definition shall apply unless the state statutory definition, as a matter of state law, supersedes the departmental definition.

9. *Informal Hearing*—an informal conference between the provider, or other persons and the section chief of Medicaid Program Operations and Compliance or his/her designee and the Medicaid director or his/her designee.

10. *Medical Assistance Program or Medicaid*—the Medical Assistance Program (Title XIX) of the Social Security Act administered by the Department of Health, commonly referred to as Medicaid, the Medicaid Program, or Bureau of Health Services Financing (BHSF).

11. *Notice of Action*—a written notification of an action taken or to be taken by the department or BHSF, including a

notice of termination of enrollment in the Medicaid Program or a notice of denial of enrollment in the Medicaid Program.

12. *Person*—any natural person, company, corporation, partnership, firm, association, group, or other legal entity or as provided by law.

13. *Provider*—a health care provider as defined in R.S. 46:437.3(A)(9).

14. *Provider Agreement*—the document(s), including electronic documents, signed by or on behalf of the provider in accordance with R.S. 46:437.11-437.14, which enrolls the provider in the Medical Assistance Program and grants to the provider a provider number and the privilege to participate in the Medical Assistance Program. This definition shall not be construed to conflict with the definition of provider agreement included in R.S. 437.3(A)(21).

15. *Provider Enrollment*—the process through which a person or provider becomes enrolled in the Medical Assistance Program through the department for the purpose of providing goods, services, or supplies to one or more Medicaid beneficiaries.

16. *Provider Number*—a provider’s billing or claim reimbursement number issued by the department through BHSF under the Medical Assistance Program.

17. *Rule or Regulation*—any rule or regulation promulgated by the department in accordance with the Administrative Procedure Act and any federal rule or regulation promulgated by the federal government in accordance with federal law.

18. *Secretary*—the Secretary of the Department of Health.

19. *Termination*—the termination or revocation of the provider agreement with the department to participate in the Medical Assistance Program. In a termination action, the state Medicaid agency has taken an action to revoke the provider’s billing privileges, and the provider has exhausted all applicable appeal rights or the timeline for appeal has expired. The requirement for termination applies in cases where providers, suppliers, or eligible professionals were terminated or had their billing privileges revoked for cause which may include, but is not limited to:

- a. fraud;
- b. integrity; or
- c. quality.

20. *Trade Areas*—Arkansas, Mississippi, and Texas counties directly touching Louisiana parish borders. Trade areas are treated with the same criteria as in-state providers.

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, Bureau of Health Services Financing, LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that



this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Ms. Sullivan, JD, is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2024.

### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Provider Screening and Enrollment

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$2,592 (\$1,296 SGF and \$1,296 FED) will be expended in FY 23-24

for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule amends the provisions governing provider screening and enrollment in order to comply with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements to align the provisions governing out-of-state enrollment and single case agreements with the Medicaid Provider Enrollment Compendium, to codify provisions for informal hearings and appeal rights for provider enrollment denials and terminations, and to ensure that the administrative rule is consistent with current practices.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no impact on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated \$1,296 will be collected in FY 23-24 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule amends the provisions governing provider screening and enrollment in order to comply with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements to align the provisions governing out-of-state enrollment and single case agreements with the Medicaid Provider Enrollment Compendium, to codify provisions for informal hearings and appeal rights for provider enrollment denials and terminations, and to ensure that the administrative rule is consistent with current practices. It is anticipated that implementation of this proposed rule will not result in costs to Medicaid providers or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by codifying an informal hearings and appeal process and ensuring that the Louisiana Administrative Code aligns with CMS requirements.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2404#048

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Health Standards Section

Facility Need Review  
(LAC 48:I.Chapter 125)

The Department of Health (the department), Health Standards Section proposes to amend LAC 48:I.Chapter 125, and to adopt §12510, §12511, and §12512 as authorized by R.S. 36:254 and R.S. 40:2116 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Health Standards Section proposes to amend the provisions governing facility need review (FNR) in order to ensure that the FNR process for nursing facilities coincides with current statute requiring FNR approval by the department.

**Title 48**  
**PUBLIC HEALTH—GENERAL**  
**Part I. General Administration**  
**Subpart 5. Health Planning**

**Chapter 125. Facility Need Review**  
**Subchapter A. General Provisions**

**§12501. Definitions**

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

\* \* \*

*Intermediate Care-Level I (IC-I)*—Repealed.

*Intermediate Care-Level II (IC-II)*—Repealed.

\* \* \*

*Nursing Facility (NF)*—a licensed institution that is primarily engaged in providing the following services to residents:

a. nursing care and related services for residents who require medical or nursing care;

b. - c. ...

\* \* \*

*Skilled Nursing Care*—Repealed.

*Skilled Nursing Facility*—Repealed.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:221 (February 2024), amended LR 50:

**§12503. General Information**

A. - B.8.c. ...

C. The FNR committee will conduct an FNR to determine if there is a need for additional providers, facilities, or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program for the following healthcare facility types, as defined under this Chapter:

1. intermediate care facilities for persons with developmental disabilities (ICF-DD);

2. home and community-based service (HCBS) providers of respite care (RC) services, personal care attendant (PCA) services, supervised independent living (SIL) services, and monitored in-home caregiving (MIHC) services;

3. hospice providers;

4. pediatric day health care (PDHC) facilities;

5. behavioral health services providers (BHSP) of psychosocial rehabilitation (PSR) services, and community psychiatric support and treatment (CPST) services; and

6. behavioral health services providers of opioid treatment program (OTP) services;

7. - 8. Repealed.

D. - E. ...

F. The department will determine if there is a need for additional providers, facilities, or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program for nursing facilities.

G. Except as otherwise provided in the grandfather provisions of these regulations, each healthcare provider designated in R.S. 40:2116 or R.S. 40:2116.1 shall first receive FNR approval before applying to be licensed by LDH and before being certified to participate in the Title XIX program.

1. - 4. Repealed.

H. Grandfather Provision. An approval shall be deemed to have been granted under this program without review for NFs, ICFs/DD, and/or beds that meet one of the following descriptions:

1. all valid Section 1122 approved healthcare facilities/beds;

2. all valid approvals for healthcare facilities/beds issued under the Medicaid Capital Expenditures Review Program prior to the effective date of this program;

3. all valid approvals for healthcare facilities issued under the FNR program; or

4. all NF beds that were enrolled in Medicaid as of January 20, 1991.

5. - 8. Repealed.

I. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers of RC, PCA, SIL, or MIHC services, ICFs/DD, hospice providers, PDHC providers, or BHSPs that meet one of the following conditions:

1. Home and Community Based Service providers that were licensed by January 31, 2009 or had a completed initial licensing application submitted to the department by June 30, 2008;

2. existing licensed ICFs-DD that are converting to the Residential Options Waiver;

3. licensed Adult Day Health Care (ADHC) providers who are enrolled or will enroll in the Louisiana Medicaid Program as a Program for All-inclusive Care for the Elderly (PACE) provider and apply for an HCBS license to provide PCA services as required by the program;

4. hospice providers that were licensed or had a completed initial licensing application submitted to the department by March 20, 2012;

5. pediatric day health care providers that were licensed by the department before March 1, 2014, or an entity that meets all of the following requirements:

a. has a building site or plan review approval for a PDHC facility from the Office of State Fire Marshal by March 1, 2014;

b. has begun construction on the PDHC facility by April 30, 2014, as verified by a notarized affidavit from a licensed architect submitted to the department, or the entity had a fully executed and recorded lease for a facility for the specific use as a PDHC facility by April 30, 2014, as verified by a copy of a lease agreement submitted to the department;

c. submits a letter of intent to the department's HSS by April 30, 2014, informing the department of its intent to operate a PDHC facility; and

d. became licensed as a PDHC by the department no later than December 31, 2014.

6. behavioral health services providers that are licensed to provide PSR and/or CPST, or that have submitted a completed application for licensure as a BHSP that includes PSR and/or CPST, prior to February 20, 2018;

7. behavioral health services providers that are licensed to provide OTP services, or that have submitted a complete application for licensure as a BHSP that includes OTP services prior to January 1, 2024; or

8. behavioral health services providers that fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited

mental health rehabilitation providers, that submit a completed BHSP licensing application by December 1, 2017 and become licensed by April 1, 2018.

J. Exemptions from the FNR process shall be made for:

1. a NF that needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or

2. a NF and/or facility building owned by a government entity that is replaced due to a potential health hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:223 (February 2024), amended LR 50:

**§12505. Initial Application and Review Process for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services**

A. ...

B. Facility need review applications shall be submitted on 8.5 inch by 11 inch paper that shall not include Health Insurance Portability and Accountability Act (HIPAA) protected information, to the HSS, FNR program manager by one of the following means:

B.1. - G.6.b.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:224 (February 2024), amended LR 50:

**§12507. Supplemental Application Review Process for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services**

A. ...

B. Upon receipt of the applicant's timely written request to supplement its FNR application, a written confirmation notice will be sent to the applicant informing the applicant of the deadline to submit any additional documentation and evidence in support of the FNR application, pursuant to the provisions of this Rule.

B.1. - C.2. ...

D. Following the meeting, the applicant will have an additional 30 days to submit any other evidence, data, and documentation to further supplement the FNR application. At the conclusion of this step, the FNR committee will meet to consider all the supplemental documentation, data, and evidence submitted by the applicant, as well as the issues discussed at the meeting with the applicant, if applicable.

1. ...

2. The FNR committee shall render a decision on the supplemental application within 60 days of the deadline for submission of any additional documentation and evidence by the applicant after the supplemental review meeting; such decisions are to be by simple majority decision.

3. - 3.c....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:225 (February 2024), amended LR 50:

**§12509. Administrative Appeal Procedures for ICF-DD, HCBS Providers of RC, PCA, SIL, or MIHC Services, Hospice Providers, PDHC Facilities, BHSP of PSR, CPST, and OTP Services**

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:226 (February 2024), amended LR 50:

**§12510. Initial Application and Review Process for Nursing Facilities**

A. The department will conduct an FNR to determine if there is a need for additional nursing facilities or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program.

B. Facility need review applications shall be submitted on 8.5 inch by 11 inch paper that shall not include Health Insurance Portability and Accountability Act (HIPAA) protected information, to the HSS, FNR program manager by one of the following means:

1. via postal service to the designated FNR program mailing address; or

2. electronically via the HSS designated system or software.

C. Application forms may be requested in writing or by telephone from the FNR program, or accessed via the department's designated website.

D. The applicant shall also submit with its application, any written documentation or evidence the applicant believes supports its FNR application, including but not limited to the following examples.

1. Any data/documents regarding waiting lists for the proposed services in the applicant's service area.

2. Any letters from healthcare facilities, medical professionals or others, who have clients/patients/recipients awaiting the proposed services in the applicant's service area.

3. Any data/documentation of complaints about clients/patients/recipients not being able to access the proposed services in the applicant's service area.

4. Any data/documentation about population groups that do not have access to the proposed services in the applicant's service area, to whom the applicant will provide such services.

5. Other data/documentation about the need in the applicant's service area for the proposed services.

6. Other data/documentation about the probability of serious adverse consequences to recipient's ability to access healthcare if the applicant was not allowed to be licensed.

E. The applicant representative specified on the application will be the only person to whom the FNR program will send written notification in matters relative to the status of the application during the review process. If the applicant's application information or representative changes at any time during the review process, the applicant is required to notify the FNR program in writing.

F. The required nonrefundable FNR application fee of \$200 shall be submitted either by mail to the designated payment address or electronically via the HSS designated system or software.

G. The review period of the initial application will be no more than 90 days from receipt of the FNR application; thereafter, a decision will be rendered by the department. The review period begins on the first day after the date of receipt of the completed application.

H. Grandfather Provision. An FNR approval shall be deemed to have been granted under this program without review for NFs that meet one of the following descriptions:

1. all valid Section 1122 approved healthcare facilities/beds;

2. all valid approvals for healthcare facilities/beds issued under the Medicaid Capital Expenditure Review Program prior to the effective date of this program;

3. all valid approvals for healthcare facilities issued under the FNR program; or

4. all NF beds that were enrolled in Medicaid as of January 20, 1991.

I. Exemptions from the FNR process shall be made for:

1. a NF that needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or

2. a NF and/or facility building owned by a government entity that is replaced due to a potential health hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

#### **§12511. Supplemental Application Review Process for Nursing Facilities**

A. If the applicant decides to request a supplemental review of the denied initial application, a written request for supplemental application review must be received by the department within 30 days of receipt of notice of the denial letter.

B. Upon receipt of the applicant's timely written request to supplement its FNR application, a written confirmation notice will be sent to the applicant informing the applicant of the deadline to submit any additional documentation and evidence in support of the FNR application, pursuant to the provisions of this Rule.

1. If the applicant fails to timely submit the supplemental materials, the supplemental application is automatically denied. Written notice of the denial shall be forwarded to the applicant, with information regarding the applicant's right to file an administrative appeal with the DAL.

C. Upon timely receipt of the supplemental materials from the applicant, the department shall conduct a supplemental application review.

1. The department shall review all supplemental review material submitted by the applicant and issue a supplemental review decision to approve or deny the FNR application within 60 days of the deadline for submission of any additional documentation and evidence by the applicant, and shall forward written notice to the applicant of such decision.

a. The written notice of the supplemental application review decision shall be sent to the applicant by

certified mail or by electronic mail with a request for acknowledgement and a read delivery receipt.

b. The written notice shall include information on the applicant's right to file an administrative appeal of the denial with the DAL within 30 calendar days of receipt of the supplemental application denial notice.

c. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department, and the decision to deny FNR approval is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

#### **§12512. Administrative Appeal Procedures for Nursing Facilities**

A. An applicant who receives a denial of an initial FNR application or denial of a supplemental FNR application may request an administrative hearing within 30 calendar days after receipt of the department's notice of denial of FNR application.

1. The request for an administrative hearing shall be made in writing to the DAL with a copy of the request also sent to the department's FNR program.

2. The request shall contain a statement setting forth the specific reason with which the applicant disagrees and the reasons for the disagreement.

3. The request shall be considered timely if it is postmarked by the 30th calendar day after receipt of the department's notice of denial.

B. The administrative appeal shall be conducted by the DAL in accordance with the Administrative Procedure Act.

C. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department and the decision to deny FNR approval is final.

D. Unless a timely and proper administrative appeal request is received by the DAL, the findings of the department shall be considered a final and binding administrative determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

#### **Subchapter B. Determination of Bed, Unit, Facility, or Agency Need**

##### **§12517. Nursing Facilities**

A. - F.1. ...

G. The determination of occupancy rates of nursing facilities or beds shall be as follows:

1. Beds for which occupancy shall be based shall include NF beds that are enrolled in Title XIX.

G.2. - J. ...

K. Exceptions for areas with high occupancy rates may be considered in the following situations.

1. - 2.c. ...

3. If the department determines that there is, in fact, a need for beds in a parish with average annual occupancy in excess of 95 percent, a RFP or RFA will be issued. No applications will be accepted under these provisions unless the department declares a need and issues a RFP or RFA. Applications will be accepted for expansions of existing facilities and/or for the development of new nursing facilities.

a. - c. ...

- d. The RFP or RFA shall specify the following:
  - i. - ii. ...
  - iii. process of review by the department of any applications timely received, including any supplemental review process;
  - iv. - vi. ...
- e. The department will review the proposals and independently evaluate and assign points (out of a possible 120) to the applications as follows:
  - e.i. - f.v. ...
- g. If there is a tie for the highest score for a specific facility or beds, the department will conduct a comparative review of the top scoring proposals that will include prior compliance history, if applicable. The department may request and review data from OAAS and HSS on prior compliance history. Subject to K.3.h of this Section, the department will make a decision to approve one of the top scoring applications based on comparative review of the proposals.

K.3.h. - L.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:229 (February 2024), amended LR 50:

**Subchapter D. Relocation of Nursing Facility Beds**

**§12541. General Provisions**

A. - C.1.h. ...

- i. The provisions of §12541.C pertaining to the transfer of Medicaid FNR approvals shall sunset in 24 months from the date of the promulgation of the final Rule implementing §12541.C and shall have no effect henceforth.

D. - D.1.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:236 (February 2024) amended LR 50:

**Subchapter F. Exception Criteria for Facility Need**

**Review Bed Approvals**

**§12553. Temporary Inactivation Due to Major**

**Alterations**

A. A NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that is undergoing major alterations to its physical plant may request a temporary inactivation of a certain number of the facility's FNR bed approvals provided that:

1. - 5.b....

6. there shall be no effect upon the Medicaid reimbursement rate of a nursing facility or an ICF/DD that is undergoing major alterations pursuant to this Rule during the period of the inactivation of the FNR approval.

7. failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FNR bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:240 (February 2024), amended LR 50:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2024.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on May 28, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Facility Need Review**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$1,728 will be expended in FY 23-24 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 as this measure has no impact on licensing or Facility Need Review (FNR) fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends and also adopts provisions governing FNR in order to ensure that the FNR process for nursing facilities coincides with the current statute requiring FNR approval by the Department of Health (the department). It is anticipated that implementation of this proposed Rule will not result in costs to nursing facilities in FY 23-24, FY 24-25, and FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2404#052

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

**Regulation 129—Surplus Lines Insurance Refund or Credit  
of Gross Premium Taxes (LAC 37:XIII.Chapter 197)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes. Regulation 129 defines the requirements to receive a surplus lines insurance refund or credit for taxes paid on gross premium received by the Louisiana Department of Insurance.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 197. Regulation Number 129—Surplus Lines  
Insurance Refund or Credit of Gross  
Premium Taxes**

**§19701. Purpose**

A. The purpose of this regulation is to define the requirements to receive a surplus line insurance refund for taxes paid on gross premium received by the Louisiana Department of Insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

**§19703. Applicability and Scope**

A. Regulation 129 shall apply to impositions of a tax of four and eighty-five one hundredths of one percent per annum on the gross premium without regard to the location of the covered property, risk, or exposure for all insurance placed through a Louisiana licensed surplus lines broker

with a surplus lines insurer or other unauthorized insurer and for which Louisiana is the home state of the policyholder as defined in R.S. 22:46.

B. The refund or credit shall only apply to Louisiana licensed surplus lines brokers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

**§19707. Authorization of Refunds or Credit**

A. For the purpose of this Chapter, a refund or credit of gross premium taxes is authorized when there is a payment of tax when none was due.

B. The commissioner may make a refund or credit of each payment where it is determined that the payment was the result of an error, omission, or a mistake of fact of consequence to the determination of the tax liability, whether on the part of the taxpayer or the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

**§19709. Prescription Period of Refund or Credits**

A. After three years from the 31st day of December of the year in which the tax became due or after one year from the date the tax was paid, whichever is the later, no refund or credit for a payment shall be made unless the commissioner has been notified of a claim for credit or refund by the taxpayer claiming such credit or refund before the expiration of said three-year or one-year period. The maximum amount which shall be refunded or credited shall be the amount paid within said three-year or one-year period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

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

**§19711. Effective Date**

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

**Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended and repealed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended and repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended and repealed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended and

repealed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended and repealed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended and repealed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended and repealed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended and repealed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended and repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended and repealed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended and repealed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed amended and repealed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended and repealed regulation is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed amended and repealed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7851, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., April 20, 2024.

Timothy J. Temple  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes incorporate and reference the current editions of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code. The current editions of these publications serve as the most current professional guidance for entities regulated by the LA Dept. of Insurance (LDI).

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will have no impact on state or local governmental revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently being incorporated by reference that serve as professional

guidance for entities under the purview of LDI. These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no impact upon competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2404#003

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Public Safety and Corrections Corrections Services

##### Inmate Incentive Pay and Other Wage Compensation (LAC 22:I.331)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §331, Inmate Incentive Pay and Other Wage Compensation.

The Department of Public Safety and Corrections, Corrections Services, proposes changing offender to inmate throughout, update terminology to include the use of facilitators and remove peer ministers, add incentive pay rates for ASL interpreters and remove references to BEI as BEI is no longer used.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 3. Adult Services

#### Subchapter A. General

#### §331. Inmate Incentive Pay and Other Wage Compensation

A. Purpose. This department regulation governs payment of incentive pay and other wage compensation to inmates.

B. Applicability—deputy secretary, undersecretary, chief of operations, director of prison enterprises, regional wardens, and wardens. Each warden and the director of prison enterprises shall ensure appropriate facility written policies and procedures are in place to comply with the provisions of this department regulation.

C. Policy. Compensation shall be paid, in accordance with the provisions of this department regulation and the applicable and governing laws, to inmates who have performed satisfactory work in the job assignment in which they have been classified, except for those inmates who opt to receive good time in lieu of incentive pay pursuant to R.S. 15:571.3.

#### D. Eligibility

1. An inmate sentenced or resentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is not eligible to earn good time at any rate shall serve three years from the date of reception prior to becoming eligible to earn incentive pay.

a. Grandfather Clause: Offenders received at a reception and diagnostic center prior to September 20, 2008

i. The provisions of Paragraph D.1 above shall apply to inmates received at a reception and diagnostic center on or after September 20, 2008. Inmates received at a reception and diagnostic center prior to September 20, 2008 shall be subject to the waiting period previously in effect for this regulation. Inmates who are currently receiving incentive pay shall not be affected and shall continue to be eligible to receive incentive pay as they did on the effective date of this regulation, but shall be subject to the provisions of Subparagraph E.2.a as it applies to job changes.

b. Exception. Inmates participating in a certified apprenticeship program.

i. Inmates in the physical custody of the department who are participating in a certified apprenticeship program shall not be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These inmates shall be eligible to earn incentive pay while participating in the certified apprenticeship program.

2. An inmate sentenced or re-sentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is eligible to earn good time at any rate shall not be eligible to earn incentive pay.

a. Grandfather Clause: Inmates earning good time pursuant to Act 1099 of the 1995 Regular Session

i. Inmates currently earning good time at a rate of three days for every 17 days served pursuant to Act 1099 of the 1995 Regular Session who are also earning incentive pay shall be allowed to continue to earn incentive pay at authorized rates.

#### E. Procedures

#### 1. Pay Rules

a. 80 hours in a Two-Week Period

i. No inmate shall earn incentive pay for more than 80 hours in a two-week period, unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution.

ii. Exception: Governor's mansion

(a). Inmates assigned to job duties at the governor's mansion shall not be limited to 80 hours in a two-week period.

b. Actual Hours Worked

i. Inmates who are eligible to earn incentive pay shall be paid only for actual hours worked in their job assignment. Inmates shall not be paid for time spent away from their job assignment due to circumstances such as holidays, callouts, duty status, weather, illness, etc.

c. Extra Duty Assignments

i. Incentive pay shall not be paid for extra duty assignments that are imposed as sanctions through the inmate disciplinary process.

d. Forfeiture Due to Disciplinary Sanction

i. Any inmate whose incentive pay is forfeited as a disciplinary sanction shall return to the "introductory pay level" of \$0.02 per hour for a six-month period if his eligibility to earn incentive pay is reinstated. At the end of the six-month period, the inmate's pay shall be automatically adjusted to the lowest pay rate for the assigned job.

e. Professional Inmate Job Classifications

i. Inmates who were previously incarcerated and working in a professional inmate job classification who



return to the physical custody of the department shall not be ensured placement in the previously worked professional inmate job classification. Placing an inmate in a previously worked professional inmate job classification shall be at the discretion of the warden or designee.

ii. Once eligible to earn incentive pay, if a returning inmate is placed in a previously worked professional inmate job classification, the inmate shall be paid at the lowest pay rate and shall earn any increases in pay rate by working his way up the pay scale as if he had not previously worked in the professional inmate job classification.

iii. For the purpose of this regulation, a professional inmate job classification is defined as a tutor, mentor, facilitator, American Sign Language interpreter, or counsel substitute.

f. Private Sector/ Prison Industry Enhancement (PS/PIE) Programs or Work Release Programs

i. For the purpose of this regulation, wages earned from a private sector/prison industry enhancement (PS/PIE) program or a work release program shall not be considered "incentive pay." Therefore, inmates employed in any of these programs are eligible to earn good time. The director of prison enterprises shall establish record-keeping procedures relating to wages earned by inmates employed in a PS/PIE program which shall include all mandatory deductions from inmate wages, other deductions such as child support or garnishment, and the distribution of net inmate wages to inmate banking.

## 2. Pay Rates

a. Once eligible to earn incentive pay, each inmate shall initially be paid an "introductory pay level" of \$0.02 per hour for a period of six months. After six months, the inmate shall be paid at the lowest pay rate that is commensurate with the job assignment he is placed in by the institution. In the event of a change in an inmate's job assignment or custody status, the inmate's rate of compensation shall automatically be adjusted to the lowest pay rate of the assigned job. If a change in job assignment is not for disciplinary reasons, the warden may approve the inmate to be paid at the same rate as the previous job assignment and the rate of compensation shall not be automatically adjusted to the lowest pay rate of the new job assignment.

i. Grandfather Clause: Inmates earning incentive pay prior to effective date of this regulation

(a). Inmates earning incentive pay at any rate, prior to the effective date of this regulation, shall continue to earn at these rates. If the inmate is reassigned to a new job or vacates the job for any reason and it has been determined the rate of pay for the job that he is leaving should be lower, the next inmate to fill that position shall receive the adjusted lower rate.

b. An inmate may receive an increase in his hourly pay rate of no greater than \$0.04 per hour on an annual basis unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution, except as provided below in Subparagraphs E.2.f.-1 of this Section.

c. A series of pay ranges and a standardized list of job titles shall be established by the director of prison enterprises and approved by the secretary or designee. The

institutions shall be assigned limits on the total amount of incentive pay paid in certain pay ranges. These limits shall be derived on a percentage basis determined by the total hours worked by inmates who are eligible to earn incentive pay at each institution and shall be approved by the director of prison enterprises and the secretary or designee. Prison enterprises shall issue reports detailing each institution's status with regard to their limits on a quarterly basis. Inmate banking shall monitor the assigned limits to ensure that the institutions remain within their limits and report discrepancies to the chief of operations, the appropriate regional warden, the director of prison enterprises and the warden of the institution.

i. The regional wardens shall work closely with the director of prison enterprises to ensure that any institution that exceeds the established limits is brought back into compliance in an expeditious manner.

ii. Exception: Inmates in PE job titles

(a). Inmates who work in prison enterprises job titles shall not affect an institution's pay range percentage limits.

d. All inmates classified in limited duty status and who are eligible to earn incentive pay shall earn at a rate of no more than \$0.04 per hour. This excludes inmates classified as regular duty with restrictions or those with a temporary limited duty status.

e. All inmates classified in working cellblocks and maximum custody field lines who are eligible to earn incentive pay shall earn at the rate of \$0.02 per hour.

f. All inmates assigned as students to educational or career and technical education programs who are eligible to earn incentive pay shall be paid at the rate of \$0.04 per hour.

i. Exception: Inmates in NOBTS

(a). Inmates enrolled in the New Orleans Baptist Theological Seminary program shall earn incentive pay at the following rates.

- (i). Freshmen: \$0.14 per hour
- (ii). Sophomores: \$0.16 per hour
- (iii). Juniors: \$0.18 per hour
- (iv). Seniors: \$0.20 per hour

ii. Upon completion of any educational or career and technical education program, the inmate may, upon request and at the discretion of the warden and based upon availability, return to the same job at the same rate of pay he held prior to enrollment in the program.

g. Inmates assigned to prison enterprises industrial, agricultural service, or other prison enterprises jobs may be compensated at a rate up to \$0.40 per hour, pursuant to 2009 La. Acts No. 85, §1 (R.S. 15:873). The pay range for prison enterprises jobs shall be established by the director of prison enterprises and approved by the secretary or designee.

h. Tutors shall earn incentive pay at the following rates.

- i. Registered Academic Tutor: \$0.25 per hour
- ii. Certified Academic Tutor: \$0.65 per hour
- iii. Certified College Tutor: \$0.75 per hour
- iv. Registered CTE Tutor: \$0.25 per hour
- v. Certified CTE Tutor: \$0.65 per hour
- vi. Lead Certified CTE Tutor: \$0.75 per hour

i. Registered Tutors may earn \$0.25 per hour during the first twelve months after registration and may receive an annual increase of \$0.05 per hour, up to a

maximum of \$0.50 per hour. Certified Tutors may earn \$0.65 per hour during the first twelve months after certification and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour.

i. Inmates who have successfully completed the department's American Sign Language Interpreter course and have been hired as Inmate Sign Language Interpreters shall earn incentive pay at a rate of \$0.75 an hour and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00.

j.i. Inmates working as mentors shall earn incentive pay at the following rates.

- (a). Mentor: \$0.50 per hour
- (b). Certified Mentor: \$0.65 per hour
- (c). Lead Certified Mentor: \$0.75 per hour

ii. Mentors may earn \$0.50 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.65 per hour. Certified mentors may earn \$0.65 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.75 per hour. Lead certified mentors may earn \$0.75 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00.

k. Inmates who are assigned to work as counsel substitutes shall be paid in accordance with their education and years of legal experience. Incentive pay shall be earned at the following rates.

i. Legal Worker 1: \$0.25 per hour

(a). Must be enrolled in paralegal classes or have less than five years legal work experience.

ii. Legal Worker 2: \$0.50 per hour

(a). Must have attained paralegal certificate or paralegal degree and have less than three years legal work experience or have five years legal work experience and no paralegal certificate or paralegal degree.

iii. Legal Worker 3: \$0.80 per hour

(a). Must have attained paralegal certificate or paralegal degree and have a minimum of three years legal work experience or have ten years legal work experience and no paralegal certificate or paralegal degree.

iv. Counsel substitutes may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.

l.i. Inmates working as facilitators shall earn incentive pay at the following rates.

(a). Facilitator: \$0.20 per hour

ii. Facilitators may earn \$0.20 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.40 per hour.

#### F. Sources of Funding

1. Pursuant to R.S. 15:873, inmate compensation may be paid from the following sources:

a. inmates assigned to any state agency that operates from self-generated revenues shall be paid from those self-generated revenues; or

b. the division of prison enterprises.

2. Pursuant to R.S. 15:873, inmates who are employed in a certified PS/PIE program shall be paid by one of the following, in accordance with the PS/PIE program's

operational model and the terms of the employment agreement:

- a. the private business that employs the inmate; or
- b. the division of prison enterprises.

3. Inmates who are participating in a transitional work program shall be paid by the private business that employs them, in accordance with the terms of the employment agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1927 (September 2008), amended LR 36:531 (March 2010), LR 38:1253 (May 2012), LR 40:2600 (December 2014), LR 41:1307 (July 2015), LR 45:69 (January 2019), LR 48:1292 (May 2022), LR 50:

#### Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

#### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

#### Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on May 10, 2024.

James M. LeBlanc  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Inmate Incentive Pay and Other Wage Compensation

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be a minimal increase in SGF costs to the Department of Public Safety and Corrections - Corrections Services as a result of the proposed rule change. The rule change increases incentive pay rates for ASL interpreters from a base pay rate of \$0.75 per hour, with annual increases of \$0.05 per hour, up to a maximum of \$1.00 per hour. The rule change also eliminates the Board of Evaluation Interpreters (BEI) certification rates (\$0.70 per hour, \$0.80 per hour, and \$0.90 per hour). Because of the small number of interpreters within state facilities, the rule change will result in minimal cost increases to the Department of Public Safety & Corrections, Corrections Services.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, proposes to amend LAC Title 22 - Corrections, Criminal Justice and Law Enforcement, Part I: Corrections, Section 331 - Inmate Incentive Pay and Other Wage Compensation. Specifically, the amendments provide:

- changing the reference of offenders to inmate throughout the rule,
- updating terminology to remove peer ministers and include the use of facilitators,
- adding incentive pay rates for ASL interpreters, and
- removing references to Board of Evaluation of Interpreters (BEI), as it is no longer in use.

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 the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III  
Undersecretary  
2404#037

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Office of Alcohol and Tobacco Control**

**Regulation IX—Prohibition of Certain Unfair  
Business Practices (LAC 55:VII.317)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 26:792, the Department of Revenue, Office of Alcohol and Tobacco Control (ATC), proposes to amend LAC 55:VII, Subpart 3, Beer and Liquor, Chapter 3, Section 317, relative to the marketing and sale of alcoholic beverages in Louisiana. In consideration of the increase in the cost of certain types of goods, the proposed amendment seeks to amend trade practices between alcoholic beverage industry members and retailers. The amendment would increase monetary caps on certain items that may be provided by industry member to the retailer in certain circumstances. This proposed Rule is promulgated in accordance with the authority delegated in R.S. 26:307(E) and R.S. 26:308(E) that allow the commissioner to promulgate rules related to the requirements and qualifications for delivery of alcoholic beverages.

**Title 55**

**PUBLIC SAFETY**

**Part VII. Alcohol and Tobacco Control**

**Subpart 1. Beer and Liquor**

**Chapter 3. Liquor Credit Regulations**

**§317. Regulation IX—Prohibition of Certain Unfair  
Business Practices**

A. - C.2.b.ii. ...

iii. Product displays may be furnished by an industry member to a retailer, provided that the total value of all product displays furnished by an industry member may not exceed \$350 per brand in use at any one time in any one retail establishment. Product display are racks, bins, barrels, casks, shelving, and the like from which alcoholic beverages

are displayed or sold. Product display also includes refrigerated coolers which serve as only a temperature-controlled product display for exclusively spirits or liquor. Refrigerated coolers which serve only as a temperature-controlled product display for spirituous liquor may be given, loaned, or sold to a retailer by a manufacturer at a price not to exceed \$350. Product displays shall bear conspicuous, substantial, and permanently inscribed or securely affixed advertising matter.

c. - d.i. ...

ii. Other retailer advertising specialties and novelty items, such as foam scrapers, thermometers, litter bags, pencils, bottle openers, balloons, lapel pins, and key rings that bear advertising matter, and are primarily valuable to the retailer as point-of-sale advertising media but have no utility value to the retailer, may be furnished, given, or sold to a retailer if the total cost to any industry member of the retailer advertising specialties furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed \$100.

iii. After the delivery of the retailer advertising specialties with a total cost to an industry member of \$100 has been made by the industry member to a retail establishment during any one calendar year, any future deliveries of such items to that particular retail establishment by such respective industry member during the remainder of the calendar year must be effected only by the sale of the items at their reasonable open market price in the locality where sold. Any items sold, furnished, or given away under this Section must be itemized separately on the industry member's invoice and other records.

d.iv. - e.i. ...

ii. T-shirts, caps, and similar items may be given to event contestants or patrons of the retail establishment but the total cost of these items may not exceed \$350 per event.

e.iii. - f. ...

i. Bar spending during trade calls, where the alcohol purchased by a manufacturer or wholesaler for a consumer is consumed on retail licensed premises in the presence of the giver, shall be lawful so long as the state's laws regulating retail establishments such as the legal drinking age, etc., are observed and not more than \$350 is expended during the trade call.

f.ii. - h. ...

i. A retail dealer, wholesaler or manufacturer may furnish the beer, wine, or beverage alcohol to be sampled and the cups to hold the beverages. The wholesaler or manufacturer may also provide and display point-of-sale material in an amount not to exceed \$350 in value. The display materials shall only be placed inside of the facility and shall not block the aisles or other entrances or exits.

C.2.h.ii. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:150.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue and Taxation, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005), amended by the Department of Revenue,

Office of Alcohol and Tobacco Control, LR 35:89 (January, 2009), LR 38:1286 (May 2012), LR 38:2938 (November 2012), LR 42:66 (January 2016), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 47:1538 (October 2021), LR 50:

### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

### **Small Business Analysis**

Pursuant to R. S. 49:965.6, methods for reduction of the impact on small business as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

All interested persons may submit written comments through May 10, 2024, to Heather M. Royer, Office of Alcohol and Tobacco Control, 7979 Independence Blvd., Suite 101, Baton Rouge, Louisiana 70806.

Ernest P. Legier, Jr.  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Regulation IX—Prohibition of Certain Unfair Business Practices**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed amendment will not result in significant costs or savings to state or local governmental units. The proposed amendment increases various monetary caps of certain items provided by industry members to retailers in specific circumstances.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed amendment will not affect revenue collections for state or local entities. The proposed amendment only clarifies the already existing rule and regulation by increasing the monetary value of those items provided in consideration of increase cost in good.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendment may affect costs that are voluntarily incurred by alcoholic beverage industry members who choose to provide the items to retailers. The retailers may have an economic benefit due to the increased monetary cap allowance on items that may be received from industry members.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed amendment will allow industry members to provide certain items to retailers that would have otherwise been restricted due to the increase cost of goods. The monetary cap and limitations on certain items are intended to safeguard the public against the threat of unfair sales practices and

business dealings as well as unfair competition. The proposed amendment is not anticipated to have an effect on employment.

Linda Pham  
Attorney Supervisor  
2404#038

Deborah A. Vivien  
Chief Economist  
Legislative Fiscal office

## **NOTICE OF INTENT**

### **Department of State Office of the Secretary of State**

#### **Determination of Cure Sufficiency (LAC 31:I.307)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act (R.S. 49:953 et seq.) and through the authority granted in R.S. 18:1317 that the Department of State is proposing to adopt a Rule to provide a uniform and standardized process for the review and curing or rejection of deficient absentee by mail ballots by Parish Boards of Election Supervisors.

### **Title 31**

### **ELECTIONS**

#### **Part I. Election Process**

#### **Chapter 3. Opportunity to Cure Deficiencies in Absentee by Mail Ballots**

#### **§307. Determination of Cure Sufficiency**

A. Any ballot identified with a deficiency pursuant to this Chapter, regardless of whether the voter appeared to cure or did not appear, shall be presented to the Parish Board of Election Supervisors for final determination of cure sufficiency or rejection of deficient ballots during the tabulation and counting of absentee by mail and early voting ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1317.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 50:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972 or on family formation, stability, and autonomy. Specifically, there should be no known effect or foreseeable impact 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; and
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on poverty as defined by R.S. 49:973. Specifically, there should be no known or foreseeable effect on:

1. the household income, assets, and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; and

5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Statement**

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HRC 170 of the 2014 Regular Session of the Louisiana Legislature. In particular, there should be no known of foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments relative to the proposed Rule or request a public hearing on the proposed rule until 4:30 p.m., May 15, 2024, by U.S. mail to the Louisiana Department of State, Attn: Tray Wood, 8585 Archives Ave., Baton Rouge, LA 70809. Interested persons may also submit written comments by email to tray.wood@sos.la.gov.

**Public Hearing**

To confirm whether or not a public hearing will be held between the dates of May 28, 2024, and June 4, 2024, interested persons should first call Tray Wood at (225) 287-7477 after May 15, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Nancy Landry  
Secretary of State

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Determination of Cure Sufficiency**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to result in any cost or savings to the state or local governmental units. The proposed rule change will increase the workload of the Parish Board of Election Supervisors and potentially the Registrar of Voters. The Board members are compensated at a flat rate for their duties.

Pursuant to Act 639 of 2022 Regular Legislative Session, the proposed rule change provides clarification and uniformity to the processing of absentee mail ballots that have been identified as deficient and have had opportunity to be cured. The proposed rule change requires that all ballots identified with a deficiency must be presented to the Parish Board of Election Supervisors for final determination of cure sufficiency

or rejection of deficient ballots during the tabulation and counting of absentee by mail and early voting ballots.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change has no effect on revenue collections of state or local governmental units.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no increased costs and/or economic benefits to the public. The absentee mail ballot curing process is an exclusively governmental procedure.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change has no effect on competition or employment. The absentee mail ballot curing process is an exclusively governmental procedure.

Nancy Landry  
Secretary of State  
2404#040

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Treasury  
Deferred Compensation Commission**

Deferred Compensation Plan  
(LAC 32:VII.101, 305, 701, 711, 721, and 10101)

In accordance with R.S. 42:1301 et seq., the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, and SECURE 2.0 Act of 2022, the Louisiana Deferred Compensation Commission proposes to adopt and amend LAC 32:VII.101, LAC 32:VII.305, LAC 32:VII.701, LAC 32:VII.711, LAC 32:VII.721, and LAC 32:VII.10101 within the Deferred Compensation Plan. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The United States Congress passed the SECURE Act and SECURE 2.0 Act. By virtue of these acts, participants in eligible 457(b) plans now have the ability to take distributions from their accounts while in-service at age 59 1/2 or if a distribution is related to a qualified birth or adoption. These acts also require plan participants utilizing the limited catch-up provisions, starting in 2026, to designate all contributions as a Roth contribution if their income exceeded \$145,000 in the previous calendar year. Additionally, SECURE Act and SECURE 2.0 Act amend the timelines for required distributions to beneficiaries of participants upon a participant's death.

The Deferred Compensation Commission proposes this Rule to adopt provisions which will allow participants in the Deferred Compensation Plan to take early distributions from their accounts and remain compliant with federal law regarding required minimum distributions. This proposal also provides clarity if a participant chooses to transfer their funds to another eligible deferred compensation fund. Lastly, a proposed amendment increases the word limit allowed for statements included on election ballots for participants seeking to serve as a commissioner on the Deferred Compensation Commission when more than one participant has been nominated for the position.

**Title 32**  
**EMPLOYEE BENEFITS**

**Part VII. Public Employee Deferred Compensation**

**Subpart 1. Deferred Compensation Plan**

**Chapter 1. Administration**

**§101. Definitions**

\* \* \*

*Eligible Designated Beneficiary*—a participant's surviving spouse or child who has not reached the age of majority, a disabled or chronically ill person, or a person not more than ten years younger than the participant.

\* \* \*

*Required Beginning Date*—for participants who reach age 73 on or after January 1, 2023, but before January 1, 2033, the required beginning date is April 1 of the calendar year following the calendar year in which the participant reaches age 73. For participants who reach age 74 on or after January 1, 2033, the required beginning date is April 1 of the calendar year following the calendar year in which the participant reaches age 75.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1962 (October 1998), amended LR 28:1494 (June 2002), LR 32:118 (January 2006), LR 37:1617 (June 2011), LR 50:

**Chapter 3. Plan Participation, Options and Requirements**

**§305. Roth Catch-up Contributions**

A. - C.2. ...

D. Beginning on January 1, 2026, for any participant whose wages exceeded \$145,000 in any calendar year (as adjusted under IRC §414(v)(7)(E)), any contribution made under this §305 in the subsequent calendar year must be a designated Roth contribution. Any otherwise eligible participant whose wages do not exceed \$145,000 in any calendar year (as adjusted under IRC §414(v)(7)(E)) may designate any contribution made under this §305 as a designated Roth contribution.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1965 (October 1998), amended LR 28:1496 (June 2002), LR 32:120 (January 2006), LR 37:1620 (June 2011), LR 50:

**Chapter 7. Distributions**

**§701. Conditions for Distributions**

A. Payments from the participants §457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 4. ...

5. the calendar year in which an in-service participant attains age 59 1/2; or

6. the participant makes a qualified birth or adoption distribution pursuant to §113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant's birth or adoption certificate for purposes of determining eligibility.

B. ...

C. In order to implement the provisions of the Setting Every Community Up for Retirement Enhancement (SECURE) Act, enacted on December 20, 2019, and SECURE 2.0 Act, enacted on December 29, 2022, relating to required minimum distributions, including but not limited to §707 and §711 of the Plan, the commission is hereby authorized to enter into any and all agreements with the plan administrator so that the plan is in compliance with all federal laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 50:

**§711. Death Benefits**

A. - B. ...

C. If the participant's designated beneficiary is an eligible designated beneficiary, the designated beneficiary must take distributions over a period no longer than their life expectancy or 10 years, whichever is greater.

D. If the participant's designated beneficiary is not an eligible designated beneficiary, the designated beneficiary must take the participant's entire account balance by the end of the tenth year following the year of the participant's death.

E. If the participant's beneficiary is the surviving spouse, the surviving spouse may elect to rollover the account or be treated as the participant for required minimum distribution purposes.

F. Under no circumstances shall the commission be liable to the beneficiary for the amount of any payment made in the name of the participant before the commission receives satisfactory proof of the participant's death.

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42: 1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1968 (October 1998), amended LR 28:1498 (June 2002), LR 32:122 (January 2006), LR 50:

**§721. Transfers and Rollovers Catch-Up**

A. ...

B. In-Service Transfers from the Plan. If a participant becomes a participant in another governmental eligible deferred compensation plan, and provided that payments under this plan have not begun, such participant may request a transfer of his or her account to the other eligible deferred compensation plan. Requests for such transfers must be made in writing to the commission and shall be granted in the sole discretion of the commission. If an amount is to be transferred pursuant to this provision, the commission shall transfer such amount directly to the other eligible governmental deferred compensation plan. Amounts transferred to another eligible governmental deferred compensation plan shall be treated as distributed from this plan and this plan shall have no further responsibility to the participant or any beneficiary with respect to the amount transferred.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1969 (October 1998), amended LR 28:1499 (June 2002), LR 37:1621 (June 2011), LR 40:2281 (November 2014), LR 50:

**Subpart 2. Nominations and Elections**

**Chapter 101. Nomination and Election of Participant Members**

**§10101. Election Procedures**

A. The Louisiana Deferred Compensation Commission (the "commission") developed the following procedures for the election of participant members to the commission, revised August 16, 2005. These procedures shall remain in effect until amended.

1. - 4. ...

5. In the event two or more participants are nominated for a position on the commission, the commission chairman shall conduct a drawing to determine the order in which candidates' names will appear on the ballot. All nominees for a position shall be invited by the chairman to attend the drawing. Each ballot shall contain, in addition to the name of the nominee(s), a statement containing no more than 200 words, which statement shall be prepared by the nominee and shall contain biographical information and/or a statement concerning the nominee's position on one or more issues pertinent to the deferred compensation program. If and when the commission determines that the use of photographs of the nominees on the ballots will be feasible, the chairman shall provide all nominees with the opportunity to submit suitable photographs of themselves for use in preparation of the ballots.

6. - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 32:124 (January 2006), amended LR 50:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the amended and proposed rules on the family have been considered. The amended and proposed Rules are not anticipated to have an impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed amended Rules should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

Pursuant to R.S. 49:974.5, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating the amended and proposed Rules.

This proposed amended Rules are not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

**Provider Impact Statement**

The proposed amended Rules should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule and amendments to Brett Robinson, Louisiana Department of Justice, 1885 N. 3rd St., Baton Rouge, LA 70802. He is responsible for responding to inquiries regarding these proposed Rules by 4 p.m. on May 10, 2024.

Virginia Burton  
Chairperson

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Deferred Compensation Plan**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule.

The Deferred Compensation Commission proposed to amend and adopt Title 32, Part VII, Chapter 1, §101-Definitions; Chapter 3, §305-Limited Catch-Up; Chapter 7, §701-Conditions for Distributions, §711-Death Benefits, §721-Transfers and Rollovers; and Chapter 101, §10101-Election Procedures of the Louisiana Administrative Code. Specifically, this rule:

Provides for the definition of "Required Beginning Date" and "Eligible Designated Beneficiary."

Establishes which contributions made under §305 must be designated as a Roth contribution.

Authorizes the Deferred Compensation Commission to enter in to any and all agreements with the Deferred Compensation Plan Administrator to ensure compliance with all federal laws and regulations.

Provides guidance on distributions to the beneficiary following the death of a plan participant.

Allows for in-service transfers among eligible governmental deferred compensation plans.

Requires a statement of 200 words to be included on the ballot for each participant in the event two or more participants are nominated for a position on the commission.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The rule lowers the age from 70 ½ to 59 ½ to begin receiving payments from a Deferred Compensation Plan or allows for participants in a Deferred Compensation Plan to make a qualified birth or adoption distribution not to exceed \$5,000 per birth or adoption. Affected persons may

economically benefit from either receiving distributions at 59 ½ rather than 70 ½ or receive distributions for qualified births or adoptions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Virginia Burton  
Chairperson  
2404#061

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office





# Potpourri

## POTPOURRI

### Department of Children and Family Services

#### Louisiana's 2024 Annual Progress and Services Report

The Department of Children and Family Services (DCFS) announces opportunities for public review of the state's 2024 Annual Progress and Services Report (APSR). The APSR is a report on the achievement of goals and objectives and/or outcomes for the last year of the 2020-2024 Child and Family Services Plan (CFSP). This plan addresses the use of Title IV-B, Subpart 1 and Subpart 2, Title IV-E Chafee Foster Care Independence Program (CFCIP), Educational and Training Vouchers (ETV), and Child Abuse Prevention and Treatment Act (CAPTA) funds and serves as the applications for additional funds from these federal sources.

Louisiana, through the DCFS, provides services that include child abuse prevention, child protective services, family services-prevention and intervention services, foster care, adoption and the youth transition services. The Department will use its allotted funds provided under the Social Security Act, Title IV-B, Subpart 1, entitled the Stephanie Tubbs Jones Child Welfare Services Program, to provide child welfare services to prevent child abuse and neglect, to prevent foster care placement, to reunite families, to arrange adoptions, and to ensure adequate foster care. Title IV-B, Subpart 2, entitled Promoting Safe and Stable Families, funds services to support families and prevent the need for foster care. The CFCIP funds services to assist foster children 15 years of age and older who are likely to remain in foster care until 18 years of age. Former foster care recipients who are 18 years of age who have aged out of foster care, and those who were adopted or entered guardianship at age 16 years of age or older, are also eligible for services. The services include basic living skills training and education and employment opportunities. The CAPTA funding is used to complement and support the overall mission of child welfare with emphasis on developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs and to support Citizen Review Panels statewide.

The DCFS is encouraging public participation in the planning of services and the writing of this document. The report can be found for review on the internet at <http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=132>, then by clicking on the 2024 APSR link. Inquiries and comments on the plan may be submitted in writing to the DCFS, Attention: Child Welfare Administrator, P.O. Box 3318, Baton Rouge, LA 70821. The deadline for receipt of written comments is May 22, 2024, at 4 p.m.

All interested persons will have the opportunity to provide comments and/or recommendations on the plan, orally or in writing, at a public hearing scheduled for Wednesday, May 22, 2024 at 10 a.m. This hearing will be held in person at Louisiana Department of Children and Family Services-

State Office, located at 627 North Fourth Street, Baton Rouge, LA 70802, in room 1-127. Interested persons may also join via ZOOM: Join from PC, Mac, Linux, iOS or Android: <https://stateoflacfs.zoom.us/j/87565301625?pwd=qO7MLB91yCNOIXHpDcQX38D9KmEGjd.1>, password: 566999, or telephone by dialing USA (713) 353-0212, conference code: 848054.

Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

David N. Matlock  
Secretary

2404#054

## POTPOURRI

### Department of Children and Family Services

#### Social Services Block Grant Intended Use Report

The Department of Children and Family Services (DCFS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the state fiscal year (SFY) beginning July 1, 2024, and ending June 30, 2025. The proposed SFY 2024-2025 SSBG intended use report has been developed in compliance with the requirements of section 2004 of the Social Security Act (SSA), as amended and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The DCFS, as the designated state department, will continue to administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DCFS, Child Welfare Section (CWS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of SFY 2024-2025 SSBG expenditures for adoption, child protection, family services, and foster care/residential care services.

Louisiana, through DCFS/CWS, will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the intended use report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 2024-2025 low income are:

A. adoption (pre-placement to termination of parental rights);

B. child protective services including assessment, evaluation, social work intervention, shelter care, counseling and referrals for child abuse/neglect reports;

C. family services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups);

D. foster care/residential care services (foster, residential care, and treatment on a 24-hour basis).

Definitions for the proposed services are set forth in the intended use report.

Persons eligible for SSBG funded services include:

A. persons WRI, who are in need of adoption services, child protection, family services, and foster care/residential services;

B. individuals WRI who are recipients of Title IV-E adoption assistance;

C. recipients of Supplemental Security Income (SSI) and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients;

D. low-income persons (income eligible) whose gross monthly income is not more than 125 percent of the poverty level. A family of four with gross monthly income of not more than \$3250 would qualify as income eligible for services;

E. persons receiving title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as eligible groups.

The post expenditure report for the SSBG program for SFY 2023 is included in the SSBG intended use report for SFY 2024-2025. Free copies are available by telephone request to (225) 342-5918 or by writing to the Administrator, Child Welfare Section, P.O. Box 3318, Baton Rouge, LA 70821.

The report is available for public review online at: <http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=>

home&pid=131, then select the 2024-2025 SSBG link. Inquiries and comments on the plan may be submitted in writing to the DCFS, Attention: Child Welfare Administrator, P.O. Box 3318, Baton Rouge, LA 70821. The deadline for receipt of written comments is Wednesday, May 22, 2024, at 4 p.m.

All interested persons will have the opportunity to provide comments and/or recommendations on the plan, orally or in writing, at a public hearing scheduled for Wednesday, May 22, 2024, at 9:00 a.m. This hearing will be held in person at Louisiana Department of Children and Family Services-State Office, located at 627 North Fourth Street, Baton Rouge, LA 70802, in room 1-136. Interested persons may also join via ZOOM: Join from PC, Mac, Linux, iOS or Android: <https://stateofladcfs.zoom.us/j/86524670645?pwd=sBJPGHaWjAWDQtFDNJ9jsPpDGprnvV.1>, password: 178264, or telephone by dialing USA 713-353-0212, conference code: 848054.

Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

David N. Matlock  
Secretary

2404#055

## POTPOURRI

### Department of Energy and 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
Bodcaw Company	Nebo-Hemphill	M	Nebo Fee	010	52795
Conn Energy Group, LLC	Beckwith Creek	L	Hby Rg Sua;Min Res Dev	001-Alt	251174
D & B Oil Exploration Company	Zwolle	S	Killian	002	179378
Harter Oil Company	Tullos Urania	M	Hardiner - Edenborn	C-11	77120
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	001	52435
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	003	63018
Palm Energy Offshore, LLC	West Delta Block 52	L	Harvey-Abercrombie et al Swd	004	73416
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	005	74570
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	006	76901
Palm Energy Offshore, LLC	West Delta Block 52	L	Harvey Abrcrombie	007	77235
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	008	77514
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	009	77745
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	011	78371
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	012	78849
Palm Energy Offshore, LLC	West Delta Block 52	L	SL 451	001	78976
Palm Energy Offshore, LLC	West Delta Block 52	L	Vue;Bld-Harvey-Aber	001	79064
Palm Energy Offshore, LLC	West Delta Block 52	L	SL 451	002	79416
Palm Energy Offshore, LLC	West Delta Block 52	L	Vua;St Timolat	001	79457
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey Abercrombie	014	79571
Palm Energy Offshore, LLC	West Delta Block 52	L	Vub;St Timolat	001	79687
Palm Energy Offshore, LLC	West Delta Block 52	L	Vuc;St Harvey-Aber	001	79813
Palm Energy Offshore, LLC	West Delta Block 52	L	Vua;St Timolat	002	80381
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	015	82433
Palm Energy Offshore, LLC	West Delta Block 52	L	Vub;St Timolat	002	83636
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	016	85806

Operator	Field	District	Well Name	Well Number	Serial Number
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	017	88193
Palm Energy Offshore, LLC	West Delta Block 52	L	Vue;Bld-Harvey-Aber	002	156953
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	018	166282
Palm Energy Offshore, LLC	West Delta Block 52	L	Vud;Harvey-Aber	019	176466
Verona Energy, Inc.	Locust Ridge	M	R C Lowry Swd	002	56970
Verona Energy, Inc.	Justina	M	Mas L Tusc Sub;Aaron B Brown	001	65597
Verona Energy, Inc.	Buckhorn	M	Mass Su168;V A Anderson	001	80908
Verona Energy, Inc.	Locust Ridge	M	M D Adams	001	84357
Verona Energy, Inc.	Buckhorn	M	Fisher I Swd	002	86659
Verona Energy, Inc.	Buckhorn	M	Anderson E	018	94959
Verona Energy, Inc.	Buckhorn	M	Mass Su39;Fisher I	013	95075
Verona Energy, Inc.	Buckhorn	M	Mass Su11;Fisher I	006d	100732
Verona Energy, Inc.	Buckhorn	M	Bh Buck Su;Fisher I	006	101722
Verona Energy, Inc.	Buckhorn	M	Mass Su20;Fisher I	014	105707
Verona Energy, Inc.	Buckhorn	M	Bh Buck Su;Fisher I	014d	107945
Verona Energy, Inc.	Chamblee	M	St Sua;Collins-Noe	001	110517
Verona Energy, Inc.	Lake Formosa	M	Fisher Lbr Co Swd	027-13	119012
Verona Energy, Inc.	Justina	M	Mas L Tusc Sua;Fisher Lbr	001	148969
Verona Energy, Inc.	Buckhorn	M	Mas Su206;Panola Company	001	152428
Verona Energy, Inc.	Locust Ridge	M	Lowry A	001	187063
Verona Energy, Inc.	Locust Ridge	M	Adams	001	193109
Verona Energy, Inc.	Locust Ridge	M	Lowry B	001	193189
Verona Energy, Inc.	Locust Ridge	M	Mcdonald	001	194546
Verona Energy, Inc.	Locust Ridge	M	Mcdonald	002	200199
Verona Energy, Inc.	Lake Marydale	M	L Tusc Ra Suc;Ark-La Resources	002	209291
Verona Energy, Inc.	Lake Marydale	M	L Tusc Ra Sub;Ark-La Resources	001	219222
Verona Energy, Inc.	Justina	M	Pitts Inc et al	002	232869
Verona Energy, Inc.	Justina	M	Pitts Inc et al	003	235320

Benjamin C. Bienvenu  
Commissioner

2404#059

**POTPOURRI**

**Department of Energy and Natural Resources  
Office of Conservation  
Environmental Division**

**Public Hearing—Ashtec Water Services**

Notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6:00 p.m., Thursday, June 6, 2024, at the Natchitoches Events Center, located at 750 Second Street, Natchitoches, Louisiana.

At such hearing, the Commissioner, or his designated representative, will hear testimony relative to the application of Ashtec Water Services, LLC, P.O. Box 191, Kilgore, Texas 75663. The applicant requests approval from the Office of Conservation to construct and operate a commercial class II injection well disposal facility for disposal of exploration and production waste (E&P Waste) fluids located in Section 16, Township 13 North, Range 7 West in Natchitoches Parish.

The application is available for inspection by contacting Mr. Stephen Olivier, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North 3<sup>rd</sup> Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the Natchitoches Parish Police Jury building and the Natchitoches Parish Public Library located at 3204 US Highway 71, Campti, Louisiana, no later than 30 days prior to the hearing date. Verbal information may be received by calling Mr. Olivier at (225) 342-7394.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Thursday, June 13, 2024, at the Baton Rouge Office. Comments should be directed to:

Office of Conservation  
Environmental Division  
P.O. Box 94275  
Baton Rouge, Louisiana 70804  
Re: Docket No. ENV 2024-01  
Commercial Facility Well Application  
Natchitoches Parish

In accordance with the Americans with Disabilities Act, if you need assistance at the hearing, please contact the Office of Conservation-Environmental Division at PO Box 94275, Baton Rouge, LA 70804-9275 in writing within ten (10) working days of the hearing date.

Benjamin C. Bienvenu  
Commissioner

2404#062

**POTPOURRI**

**Department of Health  
Board of Pharmacy**

**Public Hearing—Substantive Changes to Proposed Rule:  
Product Integrity (LAC 46:LIII.1103 and 2501)**

The Board of Pharmacy published a Notice of Intent to amend §1103 and §2501 of its rules relative to prescription department requirements and prescription drugs in the

November 20, 2023 edition of the *Louisiana Register*, volume 49, pages 1969-1971. Pursuant to the board's consideration of comments and testimony received during the December 28, 2023 public hearing, the board proposes to amend the original proposed Rule in order to specifically address drug product storage and remove references to drug product delivery as part of this regulatory project.

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

**Part LIII. Pharmacists**

**Chapter 11. Pharmacies**

**Subchapter A. General Requirements**

**§1103. Prescription Department Requirements**

A. A prescription department of a pharmacy shall be maintained in a clean and orderly condition and shall provide sufficient floor space, fixtures, equipment and supplies commensurate with the nature and scope of the pharmacy's practice to ensure that drugs are compounded and dispensed in a dry, well-lighted, climate controlled, and safely enclosed structure.

B. - D. ...

E. Drug Inventory

1. Storage. The pharmacy shall provide an adequate prescription inventory in order to compound and dispense prescription orders. All areas where drugs are stored shall be maintained under environmental conditions which will ensure the integrity of the drug, as specified by the United States Pharmacopeia (USP) and/or manufacturer's or distributor's product information or labeling.

E.2. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1642 (November 2021), LR 48:497 (March 2022), LR 49:1556 (September 2023), amended LR 50:

**Chapter 25. Prescriptions, Drugs, and Devices**

**Subchapter A. General Requirements**

**§2501. Prescription Drugs and Devices**

A. - A.2. ...

3. Storage

a. Prescription drugs or devices shall be stored in a permitted pharmacy under the immediate control and responsibility of a pharmacist.

b. All areas where drugs are stored shall be maintained under environmental conditions which will ensure the integrity of the drug, as specified by the United States Pharmacopeia (USP) and/or manufacturer's or distributor's product information or labeling.

B. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2101 (October 2003), effective January 1, 2004, amended LR 50:

**Public Hearing**

A public hearing to solicit comments and testimony on the substantive changes to the proposed Rule is scheduled for 9:00 a.m. on Tuesday, May 28, 2024 at the Board office.

During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.  
Executive Director

2404#041

**POTPOURRI**

**Department of Health**  
**Health Standards Section**

Public Hearing-Substantive Changes to  
Proposed Rule: Hospitals Licensing Standards  
(LAC 48:I.9303, 9305, 9309, 9317, 9321, 9323,  
9331, 9411, 9479, 9483, 9497, and 9501)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Health Standards Section published a Notice of Intent in the December 20, 2023 edition of the *Louisiana Register* (LR 49:2134-2159) to amend LAC 48:I.Chapters 93-95, and to adopt §9306, §9308, §9575, and §9583 - §9593 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This Notice of Intent proposed to amend the provisions governing the licensing of hospitals in order to add and update definitions, update the existing licensure requirements, and to adopt requirements for issuing statements of deficiency, licensure inactivation due to disasters or emergencies, and mobile unit and burn center services.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of §9303, §9305, §9309, §9317, §9321, §9323, §9331, §9411, §9479, §9483, §9497, and §9501 of the December 20, 2023 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

**Title 48**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 93. Hospitals**

**Subchapter A. General Provisions**

**§9303. Definitions**

\* \* \*

*Administrator*—the person responsible for the operation of the hospital commensurate with the authority conferred by the governing body.

\* \* \*

*Chief Administrator*—*Executive Officer* (CEO)/  
Repealed.

\* \* \*

*Employee*—Repealed.

\* \* \*

*Off-Site Campus*—all premises on which hospital services (inpatient and/or outpatient) are provided and that are not adjoining to the main hospital buildings or grounds. Each off-site campus of a hospital shall be licensed as a part of the main hospital. An off-site campus must be held out to the public as part of the hospital, appear on the hospital's cost report, and bill using the hospital's national provider identifier number. An off-site campus shall be located within 50 miles of the main hospital campus. Any building separated by a public road, not adjoined by a sky bridge or covered and enclosed walkway, or building not licensed or owned by the hospital is considered offsite.

a. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

### §9305. Licensing Process

A. - N.1.b. ...

#### 2. Approval of Plans

a. ...

b. In the event that submitted materials do not appear to satisfactorily comply with the 2014 Edition of the Facility Guidelines Institute (FGI), Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM for building design and construction, the OSFM shall notify the party submitting the plans in writing, the particular items in question and request further explanation and/or confirmation of necessary modifications.

N.3. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:2401 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), RS 40:1722 (January 2016), amended by the Department of Health, Health Standards Section, LR 50:

### §9309. Exceptions

A. - A.1. ...

2. If a hospital is accredited by a CMS recognized accrediting organization, the Department shall accept such accreditation in lieu of its annual on-site re-survey. This accreditation will be accepted as evidence of satisfactory compliance with all provisions except those expressed in §9305.O and P.

2.a. - 3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals,

Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2404 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

### Subchapter B. Hospital Organization and Services

#### §9317. Governing Body

A. The hospital shall have either an effective governing body or individual(s) who are legally responsible for the conduct of the hospital operations, including the conduct of all hospital staff, contracted, direct, or otherwise. In the absence of an organized governing body, there shall be written documentation that identifies the individual(s) who are legally responsible to carry out the functions specified in this part that pertain to the governing body. No contracts/arrangements or other agreements may limit or diminish the responsibility of the governing body.

B. - G.1.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### §9321. Medical Staff

A. The medical staff develops and adopts bylaws and rules for self-governance of professional activity and accountability to the governing body. In addition to physicians and dentists, the medical staff membership shall include licensed healthcare practitioners as appropriate to adequately meet the needs of the patients served by the hospital. The bylaws and rules shall contain provisions for at least the following.

1. - 5. ...

6. There shall be a single chief of medical staff who reports directly to the governing body and who is responsible for all medical staff activities for the entire hospital, including any offsite facilities operating under the license of the hospital.

7. - 7.c....

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2406 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### §9323. Administration

A. In accordance with the hospital policy, there shall be a full-time, administrator who is responsible for the operation of the hospital commensurate with the authority conferred by the governing body. Beginning June 1, 2025, no administrator shall be administrator of more than one licensed hospital.

B. - B.3. ...

a. hospital administrators employed in Louisiana licensed hospitals at the time the final regulations are adopted and become effective shall be deemed to meet the qualifications as long as the individual holds their current position. If the individual leaves their current position as hospital administrator, they shall meet one of the qualifications above to be re-employed into such a position.

C. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### **§9331. Organ, Tissue, and Eye Procurement**

A. The hospital shall have policies and procedures approved by the governing body, or its designee, for:

1. organ, tissue, and eye procurement; and
2. ensuring that appropriate hospital staff are trained on donation issues. The training shall be developed in cooperation with the OPO.

B. Beginning June 1, 2025, the hospital shall have an agreement with the designated organ procurement organization (OPO) for the state and at least one tissue bank and one eye bank, if the OPO does not include these services. At a minimum the agreement shall address the following:

B.1. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2408 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### **§9411. Buildings**

A. - I. ...

J. For all new construction or renovations, hospitals shall follow the 2014 Edition of the Facility Guidelines Institute (FGI), Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM, for building design and construction.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### **Subchapter P. Rehabilitation Services (Optional)**

##### **§9479. Organization and Staffing**

A. - B.4. ...

5. provide services to the rehabilitation hospital on a full-time basis;

a. This provision does not apply to rehabilitation units.

b. The hospital shall define the term full-time as it applies to all of its employees.

B.6. - J.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

##### **§9483. Rehabilitation Hospital or Unit Physical Space**

A. Space and equipment shall be appropriate for the types of rehabilitation services offered and shall be maintained for safe and efficient performance and in accordance with the 2014 Edition of the Hospital Units and Rehabilitation Units of the Facility Guidelines Institute (FGI) Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM, for building design and construction.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2424 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

#### **Subchapter R. Psychiatric Services (Optional)**

##### **§9497. Psychiatric Hospital or Psychiatric Unit Physical Space**

A. The layout and design of a psychiatric hospital or psychiatric unit shall be in accordance with the 2014 Edition of the Facility Guidelines Institute (FGI), Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM, for building design and construction. In addition to the FGI Guidelines, details, equipment, and furnishings shall be such that patients shall be under close observation and shall not be afforded opportunities for hiding, escape, or injury to themselves or others. The environment of the unit shall be characterized by a feeling of openness with emphasis on natural light and exterior views. Interior finishes, lighting, and furnishings shall suggest a residential rather than an institutional setting while conforming to applicable fire safety codes. Security and safety devices shall not be presented in a manner to attract or challenge tampering by patients.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2425 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

##### **§9501. Staffing**

A. - B. ...

C. In a psychiatric hospital, the director of nursing (DON) services, shall be provided by a full-time RN.

1. A DON hired or promoted prior to May 31, 2026, shall meet the following criteria for education and experience:

a. a master's degree in psychiatric or mental health nursing or its equivalent, from a school of nursing accredited by the National League for Nursing;

b. a master's degree in a related field such as psychology or nursing education, and five years nursing experience. Three years of this experience shall be in providing nursing care to the mentally ill; or

c. a bachelor's, associate degree or diploma in nursing with documented evidence of educational programs focused on treating psychiatric patients, which has occurred

at intervals sufficient enough to keep the nurse current on psychiatric nursing techniques. In addition, the nurse shall have at least five years of nursing experience, three years of which were providing nursing care to the mentally ill, or receive regular, documented supervision/consultation from a master's prepared psychiatric nurse.

2. A DON hired or promoted on or after June 1, 2026, shall meet the following criteria for education and experience:

a. a master's degree in psychiatric or mental health nursing or its equivalent, from a school of nursing accredited by the National League for Nursing; or

b. at least three years clinical RN experience in providing psychiatric nursing care, and on-going training in psychiatric nursing. Documentation from a RN with a master's degree in psychiatric nursing constitutes on-going training. Such documentation shall be maintained in the personnel file for the DON.

D. - F. ...

G. Psychological services shall be provided by or supervised by a psychologist licensed by the Louisiana State Board of Examiners of Psychologists.

H. - I.3.c. ...

NOTE: Examples of intervention modalities include, but are not limited to, creative arts (e.g., crafts, music, dance, drama, among others), sports, adventure programming, dance/movement, and leisure education.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2426 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1489 (August 2015), amended by the Department of Health, Health Standards Section, LR 50:

#### **Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule.

#### **Public Hearing**

A public hearing on the substantive changes to the proposed Rule is scheduled for May 28, 2024 at 9:00 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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 receipt of all written comments is May 30, 2024 at 4:30 p.m.

Ralph L. Abraham, M.D.  
Secretary

2404#049

## **POTPOURRI**

### **Department of Health Health Standards Section**

Public Hearing-Substantive Changes to Proposed Rule:  
Nurse Staffing Agencies—Licensing Standards  
(LAC 48:I.7703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Health Standards Section published a Notice of Intent in the November 20, 2023 edition of the *Louisiana Register* (LR 49:1985-1987) to amend LAC 48:I.Chapter 77 as authorized by R.S. 36:254 et seq. and R.S. 49:950 et seq. This Notice of Intent proposed to amend the provisions governing the licensing of nurse staffing agencies in order to add and update definitions, adjust social media policy requirements, revise administrator requirements, and modify initial licensure and change of ownership requirements.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of §7703 of the November 20, 2023 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

#### **Title 48**

#### **PUBLIC HEALTH—GENERAL**

#### **Part I. General Administration**

#### **Subpart 3. Licensing and Certification**

#### **Chapter 77. Nurse Staffing Agencies Licensing Standards**

#### **Subchapter A. General Provisions**

#### **§7703. Definitions**

\* \* \*

*Client*—the licensed healthcare facility or agency to which the registered nurse, licensed practical nurse, or certified nurse aide is assigned on a temporary basis.

\* \* \*

*Healthcare Technology Platform*—includes an individual, a trust, a partnership, a corporation, a limited liability partnership or company, or any other business entity that develops and operates, offers, or maintains a system or technology that provides an internet-based or application-based marketplace through which an individual as an independent contractor, and in the individual's sole discretion, chooses when and how often to utilize the platform to select open shifts posted only by a healthcare facility or nurse staffing agency. Healthcare technology platforms neither employs nor contracts with registered



nurses, licensed practical nurses, or certified nurse aides to provide healthcare services in a healthcare facility.

\*\*\*

*Nurse Staffing Agency (NSA)*—any person, partnership, corporation, unincorporated association, or other legal entity, including a digital website/platform or digital/smart phone application that is not a healthcare technology platform, that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. For purposes of these regulations, NSA does not include the following:

1. - 3. ...

*Referral*—the act of sending or directing the registered nurse, licensed practical nurse, or certified nurse aide to a healthcare facility to provide healthcare services at the request of or for the benefit of the healthcare facility.

\*\*\*

*Temporary Basis*—an initial employment, assignment, or referral term for an undefined term, or an initial term of less than 24 continuous months exclusive of any extension.

*Temporary Employment*—a registered nurse, licensed practical nurse, or certified nurse aide placed in a healthcare facility for an initial term of less than 24 continuous months to support or supplement the healthcare facilities' workforce for any purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1729 (October 2023), amended by the Department of Health, Health Standards Section, LR 50:

#### Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule.

#### Public Hearing

A public hearing on the substantive changes to the proposed Rule is scheduled for May 28, 2024 at 9:00 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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 receipt of all written comments is May 30, 2024 at 4:30 p.m.

Ralph L. Abraham, M.D.  
Secretary

2404#050

### POTPOURRI

#### Louisiana Department of Justice

Occupational Licensing Review Program  
Accepting Participants for FY 2024-2025

The Louisiana Department of Justice is currently accepting occupational licensing boards into its Occupational Licensing Review Program established by R.S. 49:260. This program provides active state supervision for the occupational rulemaking and disciplinary actions of

participating boards to ensure that boards and board members avoid liability under federal antitrust laws. Participants for the 2024-2025 Fiscal Year will be accepted into the program through May 31, 2024. For information about participating in the program, contact Nicol Hebert at hebertn@ag.louisiana.gov.

Nicol M. Hebert  
Assistant Attorney General

2404#058

### POTPOURRI

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Hearing—Substantive Changes to Notice of Intent  
Bear Hunting Areas, Seasons, Rules and Bag Limits  
(LAC 76:XIX.109)

The Department of Wildlife and Fisheries (department) and the Wildlife and Fisheries Commission (commission) published a Notice of Intent to adopt a Louisiana Black Bear hunting season for the 2024 hunting season in the January 20, 2024 edition of the *Louisiana Register*. The commission's changes to the original Notice of Intent include adjusting the 2024 bear season regulations, the proposed general rules, landowner permits, establishes a lottery, allows for a non-refundable lottery application fee, lottery system preference points and methods of take.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this amended Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the amended Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the amended proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

#### Chapter 1. Resident Game Hunting Season

#### §109. Bear Hunting Areas, Seasons, Rules and Bag Limits

##### A. Bear Hunting Season—2024

1. Hunting is only allowed in Bear Area 4.
2. Bear season opens the first Saturday in December and remains open through Sunday following the third Saturday in December.

##### B. General Rules

1. Bears may only be harvested one-half hour before sunrise to one-half hour after sunset.
2. Harvest limit is one bear per harvest permit per season.
3. Bear hunting is limited to still hunt only. The use of dogs when hunting bear is prohibited.
4. Harvest of cubs and females with cubs is prohibited. A cub is defined as any bear 75 pounds or less.

5. Bear hunting is restricted to bona fide resident hunters who are properly licensed, hunter safety certified, and possess a valid bear hunting permit issued by the department. The number of bear harvest permits issued will be determined based on Bear Area specific population estimates and vital rate data acquired at regular intervals. The number of bear harvest permits issued at any given time during the season shall not allow the harvest to exceed the number of bears of either sex in any Bear Area that would compromise the long-term sustainability of the Bear Area population.

6. Harvest of bears without a harvest permit is prohibited. Bear harvest permits will consist of three types: Wildlife Management Area (WMA), Private Landowner, and General.

a. WMA Permits will authorize bear harvest for specified WMAs.

b. Private Landowner Permits will be allocated to qualifying private landowners, their designee, or lessee in Bear Areas with an open season for that permit year. To qualify for a Private Landowner Permit, applicants must provide evidence of qualifying acreage (40+ contiguous acres), proof of ownership, and payment of property taxes for property within the Bear Area for which they apply. Landowner designees must provide evidence deemed sufficient by the department that they have full agency and authority to act on behalf of a qualifying private landowner. Lessees of qualifying private lands must provide a duly executed and properly recorded lease agreement evidencing they have the right to hunt bear upon the qualifying acreage.

c. General Permits authorize hunting on private property, with landowner permission, within Bear Areas with an open season for that permit year. Individuals receiving a General Permit are responsible for coordinating with landowners to gain permission and access to hunting on their property.

7. Except as otherwise provided by law, bear harvest permits shall only be issued by lottery. Applicants shall apply to LDWF on department-approved applications prior to each season. All applications require a non-refundable application fee. Applicants for the General and WMA Permits must possess a valid resident basic hunting license and bear hunting license, or a combination license conveying equivalent privileges to apply.

a. Applicants not selected will be given an additional preference point for each subsequent year in which they apply. Each preference point serves as an additional lottery opportunity. Preference points are capped at five. Applicants must apply every year in order to earn and retain preference points. Failure to apply in any given year will result in forfeiture of previously acquired preference points for any subsequent application. Successful lottery applicants are not allowed to apply for another bear permit for two years after being drawn.

8. Transferability of bear permits: Only the private landowner permits are transferrable. Transferees must be a bona fide Louisiana resident who is properly licensed and hunter safety certified. Permits being transferred must be arranged prior to the mandatory training session. A permit may only be transferred one time. The department shall be notified once a permit has been transferred and provided the transferees name, address, and phone number.

9. Bear hunter training: All successful applicants or transferees will be required to attend a department bear hunter training course prior to hunting. Individuals not attending a department bear hunter training course will be prohibited from hunting. Successful youth applicants must attend bear hunting training with a properly licensed adult. The adult attending the training is responsible for supervising the youth during the bear hunt and must be within arm's reach or within the same stand or blind as the youth. A bear tag will be issued to harvest permit holders upon completion of the training course.

10. Baiting and scent attractants: Baiting is allowed two weeks prior to season opening to the day the season closes. Hunting over raw or processed bait and the use of a scent lure is allowed. No person shall use raw sweet potatoes or chocolate as bait or scent. The use of salt, grain or other feed that could serve as an attractant to deer is prohibited in CWD Control Areas. The department shall provide a list of approved baits to each successful applicant at the bear hunting training course.

11. Harvested bears must be tagged immediately upon harvest and prior to being moved from site of harvest. All successful bear hunters must immediately contact their designated department biologist (see permit) to report their kill and schedule biological data collection.

12. Hunter Orange or Blaze Pink: Any person hunting bears shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting bear from elevated stands on property that is privately owned or to archery bear hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting bear on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed.

13. Harvested bears may be field dressed, but all other portions of the bear shall be removed from the hunting grounds. Thereafter, all edible portions of meat shall be removed from the bear for consumption. "Edible portions" include, at a minimum, all four quarters, all backstraps and tenderloins along the backbone.

14. Methods of take:

a. Bear may be taken with the following firearms, any of which may be fitted with a magnified scope:

i. Centerfire firearms .25 caliber or larger, rimfire firearms .30 caliber or larger, and shotguns 10 gauge and smaller using slugs, all of which must load exclusively from the breech.

ii. Rifles and pistols, .44 caliber or larger, or shotguns 10 gauge and smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets.

iii. Pre-charged pneumatic devices that fire a projectile of at least .30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800

feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy. Arrows or bolts used with a pre-charged pneumatic device shall only be used with well sharpened broadhead points.

b. Bear may be taken by legal archery gear with a minimum draw weight of no less than 30 pounds, including traditional bow, compound bow, crossbow, or any bow drawn, held or released by mechanical means.

c. All other methods of take are prohibited.

### C. Description of Bear Areas

#### 1. Area 1

a. All of the following parishes:

i. Acadia, Assumption, Cameron, Iberia, Jefferson, Lafayette, Lafourche, St. Mary, Terrebonne, and Vermillion.

b. Portions of the following parishes:

i. Allen—that portion south of US 190 and east of US 165;

ii. Ascension—that portion west of the Mississippi River;

iii. Calcasieu—that portion south of Interstate 10;

iv. Iberville—that portion south of Interstate 10 and west of the Mississippi River;

v. Jefferson—that portion west of the Mississippi River;

vi. Orleans—that portion west of the Mississippi River;

vii. Plaquemines—that portion west of the Mississippi River;

viii. St. Charles—that portion west of the Mississippi River;

ix. St. James—that portion west of the Mississippi River;

x. St. John the Baptist—that portion west of the Mississippi River;

xi. St. Martin—that portion south of Interstate 10;

xii. West Baton Rouge—that portion south of Interstate 10.

#### 2. Area 2

a. All of the following parishes: Pointe Coupee, West Feliciana.

b. Portions of the following parishes:

i. Iberville—that portion north of Interstate 10;

ii. St. Landry—that portion east of Interstate 49;

iii. St. Martin—that portion north of Interstate 10;

iv. West Baton Rouge—that portion north of Interstate 10.

#### 3. Area 3

a. All of the following parishes: Avoyelles, Concordia, LaSalle.

b. Portions of the following parish:

i. Catahoula—that portion west of US Highway 425.

#### 4. Area 4

a. All of the following parishes: East Carroll, Madison, Tensas, West Carroll.

b. Portions of the following parishes:

i. Catahoula—that portion east of US Highway 425;

ii. Franklin—that portion east of US Highway 425;

iii. Richland—that portion east of US Highway 425.

#### 5. Area 5

a. All of the following parishes: Caldwell, Ouachita, Morehouse, Union.

b. Portions of the following parishes:

i. Franklin—that portion west of US Highway 425;

ii. Richland—that portion west of US Highway 425.

#### 6. Area 6

a. All of the following parishes: Beauregard, Bienville, Bossier, Caddo, Claiborne, Desoto, Evangeline, Grant, Jackson, Lincoln, Natchitoches, Rapides, Red River, Sabine, Webster, Winn.

b. Portions of the following parishes:

i. Allen—that portion north of US 190 and west of US 165;

ii. Calcasieu—that portion north of Interstate 10;

iii. Jefferson Davis—that portion south of US 190 and east of US 165;

iv. St. Landry—that portion west of Interstate 49.

#### 7. Area 7

a. All of the following parishes: East Baton Rouge, East Feliciana, Livingston, St. Bernard, St. Helena, St. Tammany, Tangipahoa, Washington.

b. Portions of the following parishes:

i. Ascension—that portion east of the Mississippi River;

ii. Iberville—that portion east of the Mississippi River;

iii. Jefferson—that portion east of the Mississippi River;

iv. Orleans—that portion east of the Mississippi River;

v. Plaquemines—that portion east of the Mississippi River;

vi. St. Charles—that portion east of the Mississippi River;

vii. St. James—that portion east of the Mississippi River;

viii. St. John the Baptist—that portion east of the Mississippi River.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

### Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on the proposed substantive changes will be held by the Department of Wildlife and Fisheries on May 21, 2024 at 10 a.m. at the Wildlife and Fisheries Monroe Office, 368 Technology Drive, Monroe, LA, 71203.

Brandon J. DeCuir  
Chairman

2404#053

**CUMULATIVE INDEX**  
**(Volume 50, Number 4)**

2024	
Pages	Issue
1-152.....	January
153-335.....	February
336-448.....	March
449-621.....	April

  

EO—Executive Order
PPM—Policy and Procedure Memoranda
ER—Emergency Rule
R—Rule
N—Notice of Intent
CR—Committee Report
GR—Governor's Report
L—Legislation
P—Potpourri
QU—Administrative Code Quarterly Update

**ADMINISTRATIVE CODE UPDATE**

**Cumulative**

January 2023-December 2023, 146QU  
January 2024-March 2024, 606QU

**AGRICULTURE AND FORESTRY**

**Agricultural and Environmental Sciences**

**Structural Pest Control Commission**

Structural Pest Control Commission, 171R

**Agro-Consumer Services, Office of**

**Weights and Measures, Division of**

Electric vehicle supply equipment  
Registration requirements and fees, 350R, 478R

**Animal Health and Food Safety**

Identification of goats, 350R

**Animal Health, Board of**

Identification of goats, 350R

**Commissioner, Office of the**

Letter of authorization granting hunting season variance  
Blackhawk farms, 434P  
Malone properties, 434P

**Veterinary Medicine, Board of**

Continuing education, 412N  
Meetings, 44N

**CHILDREN AND FAMILY SERVICES**

Louisiana's 2024 Annual Progress and Services Report, 607P

**Child Welfare, Division of**

State central registry, 528N

**Licensing Section**

Child welfare home certification  
Child placing agencies, 168ER  
Licensee portal  
Child residential care Class B, 529N  
Residential homes (Type IV), 529N  
Child placing agencies  
General provisions, 529N  
Juvenile detention, 529N

**CULTURE, RECREATION AND TOURISM**

**State Parks, Office of**

Advertising on state parks and historic sites, 478R  
Sponsorship of agency assets, 478R

**Tourism, Office of**

Events Incentive Fund, 471ER  
Major Events Incentive Program, 472ER

**EDUCATION**

**Education, Department of**

Conducting open meetings via electronic means, 296N

**Elementary and Secondary Education, Board of**

Bulletin 111—The Louisiana School, District, and State Accountability System  
ELPT Connect, 533N  
Bulletin 118—Statewide Assessment Standards and Practices  
English Language Proficiency Test Connect Cut Scores, 172R

Bulletin 126—Charter Schools

Governance and processes, 265N, 413N

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Educator observation and evaluation, 535N  
Third party entity evaluation process, 267N

Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years

Early learning and development standards, 541N

Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Early learning providers, 555N

Bulletin 139—Louisiana Child Care and Development Fund Programs

Child care programs, 558N

Bulletin 741—Louisiana Handbook for School Administrators

Associate Teacher Program, 19R

Civics, 562N

FAFSA, 562N

Financial literacy, 71N, 480R

Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Written policies and programs, 568N

Bulletin 746—Louisiana Standards for State Certification of School Personnel

Educator credentials, 268N

Principal certification pathways, 563N

Teacher certification requirements, 80N, 173R, 487R

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Educator preparation program providers, 285N

Bulletin 1566—Pupil Progression Policies and Procedures

Third grade students with a reading deficiency, 290N

Bulletin 1573—Complaint Management Procedures

Special education complaint procedures, 82N, 489R

## **EDUCATION (continued)**

Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act  
Improving processes related to children with exceptionalities, 565N  
Bulletin 1922—Compliance Monitoring Procedures  
Special education corrective action plans, 292N  
Attendance, 531N  
Dyslexia screening, 293N  
Honorary diplomas, 295N  
Immunization exemption communication, 567N  
School administration and safety, 174R  
Teacher certification and preparation, 19R

### **Regents, Board of**

#### **Student Financial Assistance, Office of**

M.J. Foster Promise Program, 178R  
National Guard Patriot Scholarship, 183R  
TOPS and TOPS core curriculum, 185R

### **Tuition Trust Authority**

#### **Student Financial Assistance, Office of**

Advisory Board bylaws, 490R  
Achieving a Better Life Experience (ABLE), 489R

## **ENERGY AND NATURAL RESOURCES**

### **Office of Conservation**

Class VI injection well  
Fee schedule, 298N  
Orphaned oilfield sites, 150P, 323P, 608P  
Pipeline safety, 35R  
Termination of units, 35R  
Venting and flaring of natural gas, 36R

### **Environmental Division**

Public hearing  
Ashtec Water Services, 609P

## **ENVIRONMENTAL QUALITY**

### **Office of the Secretary**

#### **Legal Affairs and Criminal Investigations Division**

Clean air interstate rule requirements, 31R  
Delisting exclusion of solvents/EDC process  
wastewater effluent and solvents east ditch sediment  
from hazardous waste, 84N  
The Dow Chemical Company, Plaquemine, N  
Emission standard for asbestos, 571N  
Open meetings via electronic means policy, 88N, 497R  
Subscriber agreements, 32R

#### **Legal Affairs Division**

Notice of public hearing and request for comments  
to initiate triennial review of Louisiana water quality  
standards, 434P

## **EXECUTIVE ORDERS**

JML 24-01 Veto of Graduation Appeals Process, 1EO  
JML 24-02 Office of the First Lady, 1EO  
JML 24-03 Establishment of Unified Command Group  
and Subcommittees, 2EO  
JML 24-04 State of Emergency—Winter Weather—  
January 12, 2024, 153EO

JML 24-05 Identifying, Quantifying, and Mitigating  
the Adverse Effects of Illegal Immigration on  
Louisiana, 153EO  
JML 24-06 Renewal of State of Emergency Threat of  
Subsidence, Subsurface Instability, and Presence of  
Hydrocarbons in Sulphur Mines Salt Dome Area,  
156EO  
JML 24-07 Renewal of State of Emergency Hurricane  
Ida, 157EO  
JML 24-08 Renewal of State of Emergency  
Cybersecurity Incidents, 157EO  
JML 24-09 Louisiana Statewide Independent Living  
Council, 158EO  
JML 24-10 Flags at Half-Staff Representative Jimmy  
Long, 160EO  
JML 24-11 Actions to Mitigate the State's Impending  
Fiscal Cliff, 160EO  
JML 24-12 Renewal of State of Emergency  
Department of Transportation and Development,  
161EO  
JML 24-13 Consolidation of Natural Resources and  
Energy-Related Executive Branch Functions, Powers,  
Duties, and Responsibilities, 162EO  
JML 24-14 Authority to Arm Designated Louisiana  
National Guardsmen, 163EO  
JML 24-15 Renewal of State of Emergency  
Heat-Related Emergencies, 164EO  
JML 24-16 Renewal of State of Emergency Severe  
Storms and Tornadoes—December 13, 2022, 165EO  
JML 24-17 Streamlining Permitting Processes in the  
Oil and Gas Industry, 165EO  
JML 24-18 Carry-Forward Bond Allocation 2023,  
166EO  
JML 24-19 Bond Allocation 2024 Ceiling, 167EO  
JML 24-20 Renewal of State of Emergency—Threat  
of Subsidence, Subsurface Instability, and Presence of  
Hydrocarbons in Sulphur Mines Salt Dome Area,  
336EO  
JML 24-21 Renewal of State of Emergency—  
Hurricane Ida, 336EO  
JML 24-22 State of Emergency—Police Officer  
Shortage, 337EO  
JML 24-23 Conditions for Participation in the  
Industrial Tax Exemption Program, 338EO  
JML 24-24 Conditions for Participation in the  
Industrial Tax Exemption Program, 339EO  
JML 24-25 Sewerage and Water Board of New  
Orleans Task Force, 340EO  
JML 24-26 Renewal of State of Emergency—  
Department of Transportation and Development,  
341EO  
JML 24-27 The Committee on Parole, 342EO  
JML 24-28 Renewal of State of Emergency—Heat-  
Related Emergencies, 343EO  
JML 24-29 Renewal of State of Emergency—Severe  
Storms and Tornadoes—December 13, 2022, 344EO  
JML 24-30 Disaster Declaration Crawfish Aquaculture  
Industry, 344EO  
JML 24-31 Continuation of National Incident—  
Management System (NIMS) Designation and  
Implementation of National Qualification System,  
345EO  
JML 24-32 Bond Allocation 2024 Ceiling, 449EO

## EXECUTIVE ORDERS (continued)

- JML 24-33 Bond Allocation 2024 Ceiling, 449EO  
JML 24-34 Bond Allocation 2024 Ceiling, 450EO  
JML 24-35 Bond Allocation 2024 Ceiling, 451EO  
JML 24-36 Renewal of State of Emergency—Hurricane Ida, 451EO  
JML 24-37 Renewal of State of Emergency Police Officer Shortage, 452EO  
JML 24-38 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 453EO  
JML 24-39 Amending Establishment of Unified Command Group and Subcommittees, 453EO  
JML 24-40 Renewal of State of Emergency—Cybersecurity Incidents, 454EO  
JML 24-41 Emergency Operations Plan, 455EO  
JML 24-42 Governor’s Advisory Council on Disability Affairs, 462EO  
JML 24-43 Governor’s Task Force on Impaired Driving, 463EO  
JML 24-44 Establishment of the Louisiana Workforce and Social Services Reform Task Force, 4665EO  
JML 24-45 Renewal of State of Emergency—Department of Transportation and Development, 466EO  
JML 24-46 Flags at Half-Staff—Senator Thomas Alan “Tom” Greene, 467EO  
JML 24-47 Renewal of State of Emergency—Heat-Related Emergencies, 468EO  
JML 24-48 Disaster Declaration—Crawfish Aquaculture Industry, 469EO  
JML 24-49 Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022, 469EO

## GOVERNOR

### Administration, Division of

**Broadband Development and Connectivity, Office of**  
Granting unserved municipalities broadband opportunities (GUMBO), 3 ER, 49N  
GUMBO 2.0, 503R

**Commissioner, Office of the**  
Public meetings via electronic means, 516R

**Group Benefits, Office of**  
Prescription drug benefits, 421N  
Schedule of benefits, 421N

**Patient’s Compensation Fund Oversight Board**  
Disability accommodations, 352R

**Tax Commission**  
Ad valorem taxation, 353R

**Boxing and Wrestling Commission**  
London ring fighting, 32R

**Committee on Parole**  
Virtual meetings, 209R

**Examiners of Certified Shorthand Reporters, Board of**  
Board interpretation of code of civil procedure article 1434, 146P  
Employment relationship with court reporting firm, 45N  
Whistleblower reporting, 47N

**Financial Institutions, Office of**  
Private education lender registry, 64N, 518R

**Home Inspectors, Board of**  
Continuing education, 420N  
Ethics, 420N  
Meetings, 420N

**Municipal Police Employees’ Retirement System**  
Remote meetings, 63N, 517R

**Pardons, Board of**  
Virtual meetings, 209R

**River Port Pilot Commissioners for the Port of New Orleans, Board of**  
Education requirements, 352R

**Trustees of the Firefighters’ Pension and Relief Fund for the City of New Orleans**  
Open meetings via electronic means, 572N

**Veterans Affairs, Department of**  
Veterans’ affairs, 498R

## HEALTH

**Aging and Adult Services, Office of**  
Home and community-based services waivers  
Adult Day Health Care Waiver, 382R  
Community Choices Waiver, 424N  
Program of all-inclusive care for the elderly  
Personal care attendant services, 399R

**Behavior Analyst Board**  
ADA composition, 303N  
Behavior analysts, 301N  
Board composition, 303N  
Meeting procedures, 303N

**Behavioral Health, Office of**  
Children’s and adult mental health services, 580N  
Home and community-based behavioral health services waiver  
Coordinated system of care  
Discharge criteria, 211R  
Home and community-based services waivers  
Supports waiver, 211R

**Citizens with Developmental Disabilities, Office for**  
Home and community-based services waivers  
Supports waiver, 211R

**Dentistry, Board of**  
Continuing education requirements, 210R, 305N

**Emergency Response Network Board**  
LERN destination protocol  
Stroke, 306N  
Louisiana Stroke Center recognition, 220R

**Examiners of Psychologists, Board of**  
Public hearing notice, 447P

**Health Services Financing, Bureau of**  
Adult residential care providers  
Licensing standards, 379R, 521R  
Ambulatory surgical centers  
Reimbursement methodology, 380R  
Children’s and adult mental health services, 580N  
Disproportionate share hospital payments  
Northern area psychiatric hospitals, 381R  
Home and community-based behavioral health services waiver  
Coordinated system of care  
Discharge criteria, 211R  
Home and community-based services waivers

## HEALTH (continued)

Adult Day Health Care Waiver, 382R  
Community Choices Waiver, 424N  
Home Health Program  
American Rescue Plan Act, 215R  
Inpatient hospital services, 582N  
Teaching hospitals, 384R  
Intermediate care facilities for persons with developmental disabilities  
Leave of absence days, 386R  
Licensing standards, 385R, 523R  
Medicaid eligibility  
Incurred medical and remedial care expenses, 216R  
Medical Transportation Program  
Emergency medical transportation, 216R  
Non-emergency medical transportation  
American Rescue Plan Act, 218R  
Nursing facilities  
Optional state assessment, 219R  
Pharmacy Benefit Management Program  
Excluded drugs, 584N  
Program of all-inclusive care for the elderly  
Personal care attendant services, 387R  
Provider screening and enrollment, 585N  
**Health Standards Section**  
Adult day health care  
Licensing standards, 391R  
Behavioral health service providers  
Licensing standards, 393R  
Facility need review, 221R, 590N  
Forensic supervised transitional residential and aftercare facilities  
Licensing standards, 525R  
Public hearing  
Substantive changes to proposed Rule  
Hospitals Licensing Standards, 610P  
**Licensed Professional Counselors Board of Examiners**  
Meetings via electronic means, 308N  
**Pharmacy, Board of**  
Controlled dangerous substances (CDS)  
Licensing, 573N  
Open meetings via electronic means, 576N  
Pharmacist application, 378R  
PMP Advisory council open meetings via electronic means, 578N  
Prescription Monitoring Program, 378R  
Public hearing  
Substantive changes to proposed Rule  
Product Integrity, 609P  
Temporary closure of pharmacy, 34R  
**Practical Nurse Examiners, Board of**  
Additional duties and powers of the board, 69N, 524R  
Licensure, 70N, 524R  
**Psychologists, Board of**  
Public hearing notice, 435P  
**Public Health, Office of**  
Consumable hemp products labeling, 395R  
Doula Registry Board, 240R  
**Emergency Medical Services, Bureau of**  
Emergency medical services professionals, 246R  
**Secretary, Office of the**  
Americans with Disabilities Act (ADA) accessibility, 395R

## INSURANCE

**Commissioner, Office of the**  
Public Hearing  
Plan of reorganization submitted by Louisiana Health Service and Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana, 150P  
Regulation 104—Corporate Governance Annual Disclosure, 397R  
Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes, 595N  
Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement, and Prosecution of Insurance Fraud, 526R

## JUSTICE

Occupational Licensing Review Program  
Accepting Participants for FY 2024-2025, 320P, 435P, 613P

## NATURAL RESOURCES

Orphaned oilfield sites, 435P

## PUBLIC SAFETY AND CORRECTIONS

**Corrections Services**  
Administrative remedy procedure, 258R  
Inmate incentive pay and other wage compensation, 597N  
**Gaming Control Board**  
Application withdrawal license surrender form, 263R  
Internal controls  
Procedures, 310N  
Open meetings accessibility  
ADA, 311N  
**State Fire Marshal, Office of the**  
**Uniform Construction Code Council**  
Uniform Construction Code, 398R, 403R

## REVENUE

**Alcohol and Tobacco Control, Office of**  
Regulation IX—Prohibition of Certain Unfair Business Practices, 600N  
**Charitable Gaming, Office of**  
Limited raffle licenses, 347ER  
**Louisiana Sales and Use Tax Commission for Remote Sellers**  
Open meetings via electronic means, 421R  
**Policy Services Division**  
Income tax return filing extensions, 37R  
Unrelated infant tax credit, 38R  
**Sales and Use Tax Commission for Remote Sellers**  
Open meetings via electronic means, 430N  
**Tax Policy and Planning Division**  
Election of pass-through entities, 406R  
Electric and hybrid vehicles, 408R  
Net capital gains deduction, 16ER, 313N

**REVENUE (continued)**

Open meetings via electronic means, 109R  
Partnership filing requirements, 315N  
Payment of sales and use taxes  
Persons constructing, renovating, altering immovable property, 89N

**STATE**

**Secretary of State, Office of the**

Determination of cure sufficiency, 601N

**TREASURY**

**Deferred Compensation Commission**

Deferred Compensation Plan, 602N

**Municipal Police Employees' Retirement System,  
Board of Trustees of the**

Remote meetings, 63N

**State Bond Commission**

Meetings via electronic means, 409R

**WILDLIFE AND FISHERIES**

**Wildlife and Fisheries Commission**

Bear

Bag limits, 90N

Hunting areas, 90N

Rules, 90N

Seasons, 90N

Crab

Derelict Crab Trap Removal Program, 38R

Ecotour activities on WMAs, 316N

Hunting regulations

2024-2026 seasons, 94N

Public hearing to change Notice of Intent, 436P

Menhaden

2024 commercial season and associated regulations,  
348ER

Public hearing to change Notice of Intent, 443P

Open meetings via electronic means, 527R

Oyster

2023/2024 season reopening

Sister Lake Public Oyster Seed Reservation

Harvest of market-size oysters, 168ER, 477ER

Public hearing

Substantive changes to Notice of Intent

Bear Hunting Areas, Seasons, Rules and Bag Limits,  
613P

Recreational and commercial harvests

Prohibitions, 135N

Red drum

Public hearing

Substantive change to Notice of Intent

Harvest regulations, 444P

Red snapper

2023 recreational red snapper season closure, 17ER

2024 private recreational and state charter season,  
349ER

Saltwater finfish

Charter boat and headboat on-water possession limits,  
93N

Shrimp

Season closure

Portions of state inside waters, 17ER, 169ER

Portions of state outside waters, 169ER

Remaining state inside waters, 349ER

Season opening

Portions of state outside waters, 476ER

Turkey

General and WMA hunting regulations, 410R

**WORKFORCE COMMISSION**

**Plumbing Board**

Plumbing

Apprenticeship, 41R

Insurance, 41R

Licensure, 41R

**Workers' Compensation, Office of**

Forms, 432N

Medical treatment guidelines, 318N

Mileage update, 331P