Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Seed Commission

Louisiana Seed Law
(LAC 7:XIII.123, 141 and 143)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 3:1433, the Department of Agriculture and Forestry, Office of the Louisiana Seed Commission, proposes to amend regulations governing definitions and the fee structure for certified seed making it consistent throughout the industry.

The Louisiana Seed Commission is proposing to amend regulations regarding the fee structure for certified seed making it more consistent throughout the industry. Classes of certified seed are recognized throughout the industry by the color of the tag that is attached to the package. The proposed standards relate the color of the tag with the definition of the particular class of certified seed.

Certification fees are currently assessed on a per tag basis, being one tag per container regardless of the size of the container. (Container sizes can range from 50-2000 pounds.) The proposed standards require that seed certification fees be assessed on a per weight unit basis, with the amount of the weight units being established by the seed commission, and based on a common industry accepted packaging weight and specified within the certification standards.

Traditionally, rice and small grains have been packaged in 50 or100 pound containers, but due to the introduction of bulk bags and bulk Q-bit containers (holding up to 2000 pounds of seed and widely used in the seed industry), the industry trend is toward these larger containers and away from the smaller packaging. The bulk certification of the certified class of rice and small grain is currently being allowed. This proposal would extend bulk certification to the registered class of rice and small grain. This trend potentially results in reduced labor costs and packaging costs which is passed on the grower.

These Rules are enabled by R.S. 3:1431 and 3:1433.

Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds

Chapter 1. Louisiana Seed Law

Subchapter B. General Seed Certification Requirements

§123. Classes of Seed

Breeder Seed (White Tag) seed directly controlled by the originating or sponsoring plant breeding institution, firm or individual which is the source for the production of seed of the certified classes.

Foundation Seed (White Tag) progeny of breeder or foundation seed, handled so as to maintain specific genetic purity and identity, production of which must be acceptable to the Department of Agriculture and Forestry.

Registered Seed (Purple Tag) progeny of breeder or foundation seed, handled under procedures acceptable to the Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

Certified Seed (Blue Tag) progeny of breeder, foundation or registered seed, handled under procedures acceptable to the Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

Tree Seed

1. *Certified Tree Seed (Blue Tag)* seed from trees of proven genetic superiority, produced so as to assure genetic identity. Seeds from interspecific hybrids of forest trees may be included.

2. *Selected Tree Seed (Green Tag)* progeny of rigidly selected trees or stands of untested parentage that have promise but not proof of genetic superiority and for which geographic source and elevation is stated on the label.

3. *Source-Identified Tree Seed (Yellow Tag)* seed from:

a. natural stands with known geographic source and elevation, or plantations of known geographic origin and which is acceptable to the Department of Agriculture and Forestry.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:564 (November 1982), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 31:

§141. Processing of Certified Seed

A. Bagging

1. All seed approved for certification must be packaged in new 100 pound containers or less, except as provided by §141.A.1-2.

2. Registered Class of rice and small grains (wheat and oats):

a. new super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry);

b. each super-bag or Q-Bit container of registered seed must be sealed in an LDAF approved manner that prevents removal and re-attachment without tampering being obvious. Seals shall be attached after filling and/or sampling is completed.

3. Certified class of rice and small grains (wheat and oats):

a. new or reusable super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry).

NOTE: Reusable containers must be cleaned in a manner approved by the Louisiana Department of Agriculture and Forestry.

B. Tagging

1. Each container of all classes of certified seed offered for sale must have an official Department of Agriculture and Forestry tag attached.

2. The lot number of the tag attached to each container must be the same as the lot number marked on the container.

3. The tag shall contain the following information:

a. kind and variety;

b. where grown;

c. percentage of pure seed, crop seed, weed seed and inert matter;

d. name and number of noxious weed seeds per pound;

e. grower's name and address or code number;

f. germination percentage;

g. hard seed;

h. total germination and hard seed percentage;

i. net weight;

j. lot number; and

k. date of test.

4. Tags will be issued only for seed proven by laboratory analysis to meet required germination and purity standards.

5. The number of tags issued will be determined by the inspector's estimate of the quantity of seed at the time of sampling. All unused tags must be returned to the Department of Agriculture and Forestry.

6. Pretagging

a. In order to permit seedsmen to bag and label seed in advance of final laboratory reports, certification tags may be issued in advance. Such labels can be pre-issued upon receipt of completed field inspection reports showing that field production standards have been met. The state may grant a waiver on the movement of seed if an acceptable preliminary test is made on the seed lot. If pretagged lots fail laboratory analysis standards, all tags shall be destroyed or returned to the Louisiana Department of Agriculture and Forestry. Failure to comply with this regulation will result in suspension of future pre-tag privileges.

7. The official certification label may be printed directly on the container with prior approval of the Department of Agriculture and Forestry.

8. Labels other than those printed on the containers shall be attached to containers in a manner that prevents removal and reattachment without tampering being obvious.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and R.S. 3:1434.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November l982), amended LR 9:196 (April l983), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December l986), LR 20:643 (June 1994), LR 31:35 (January 2005), LR 31:

§143. Fees

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

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

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

D. Fees for certified seed shall be $0.16 per weight unit and be calculated on the total weight units in the certifiable lot. The number of weight units for a particular lot of seed shall be reported when the certified sample is taken. Fees are due upon request for certified tags; except for those certified processors that have pre-approval to print certified tags which fees are due with the quarterly tag report.

1. The weight unit for rice is 100 pounds; all other commodity weight units are 50 pounds.

2. Any person who sells, distributes, or offers for sale certified seed in Louisiana and who has paid certification fees for a particular lot of seed may request a refund on the unsold portion of the certified lot from the Louisiana Department of Agriculture and Forestry. Any person requesting a refund must submit:

a. a written request to the department within nine months of the certified test date, stating:

i. lot number for the seed that the request is being made;

ii. number of weight units sold from the certified lot; and

iii. the number of weight units partitioned for refund from the certified lot;

iv. all unused tags from the certified lot.

E. Fees for Sweet Potatoes

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

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

F. Fees for Bulk Seed Certification

1. The fee for the issuance of a bulk certified seed sales certificate shall be $0.16 per weight unit.

G. Fees for Phytosanitary Inspection

1. A fee of $0.50 per acre shall be charged for phytosanitary inspections.

2. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-sampling Certified Seed

1. A fee of $30 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July, 1984); amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 14:604 (September 1988), LR 16:847 (October 1990), LR 25:1617 (September 1999), LR 26:235 (February 2000), LR 29:2632 (December 2003), LR 31:420 (February 2005), LR 31:

Family Impact Statement

The proposed amendments to Title 7, Part XIII, §125 and §143 regarding an add definition and the fee structure for certified seed making it consistent throughout the industry should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through April 25, 2005, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Seed Law

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is estimated to be no implementation costs or savings to state or local governmental units. The Louisiana Seed Commission is proposing to amend regulations making the fee structure for certified seed more consistent throughout the industry. Classes of certified seed are recognized throughout the industry by the color of the tag that is attached to the package. The proposed standards relate the color of the tag with the definition of the particular class of certified seed.

Certification fees are currently assessed on a per tag basis, being one tag per container regardless of the size of the container. (Container sizes can range from 50-2000 pounds.) The proposed standards require that seed certification fees be assessed on a per weight unit basis, with the amount of the weight units being established by the Seed Commission, and based on a common industry accepted packaging weight and specified within the certification standards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a total estimated increase in revenue collections of $47,812 to the Seed Commission Fund. This increase was calculated using revenues generated from the total number of tags printed for the previous year verses revenues estimated on the same amount of tags under the new regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be an increase in costs to persons desiring to certify seed in bulk containers. Certification fees were previously based on a per tag basis, based on one tag per container regardless of the size of the container. Current proposed standards require seed certification fees on a per unit basis. Persons packaging seed in 50 pound containers will potentially see a decrease in certification costs. Persons normally packaging seed in 100-pound containers will realize no impact. Persons packaging certified seed in bulk containers will realize an increase in certification costs based on the number of units packaged within the bulk containers. At present, amendments to rules and regulations regarding bulk certification standards to accommodate the current industries trend towards bulk packaging are in the process of promulgation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition and employment.

Skip Rhorer	Robert E. Hosse
Assistant Commissioner	General Government Section Director
0503#044	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Control of Emission of Organic Compounds Exemptions
(LAC 33:III.2117)(AQ250*)

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.2117 (Log #AQ250*).

This proposed Rule is identical to federal regulations found in 69 FR 69290-69298, No. 228 (November 29, 2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed Rule reorganizes the list of organic compounds that are exempt from control requirements of LAC 33:III.Chapter 21 to make it more practical. The rule also adds four compounds to the exemptions list. The four new compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-$C_3F_7OCH_3$, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); and methyl formate ($HCOOCH_3$). These newly added compounds are considered to make a negligible contribution to tropospheric ozone formation and should not be counted as volatile organic compounds (VOC). This rulemaking is necessary to keep the state list of exempted compounds identical to the federal list of compounds that make a negligible contribution to tropospheric ozone formation. The basis and rationale for this Rule are to mirror the federal regulations.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 21. Control of Emission of Organic Compounds
Subchapter A. General
§2117. Exemptions

A. The compounds listed in the following table are exempt from the control requirements of this Chapter.

Exempt Compounds
acetone
1-chloro-1,1-difluoroethane (HCFC-142b)
chlorodifluoromethane (HCFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
chlorofluoromethane (HCFC-31)
chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
cyclic, branched, or linear completely fluorinated alkanes
cyclic, branched, or linear completely fluorinated ethers with no unsaturations
cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations
cyclic, branched, or linear completely methylated siloxanes
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)
dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
difluoromethane (HFC-32)
ethane
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE–7500)
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$)
ethylfluoride (HFC-161)
1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-$C_3F_7OCH_3$, HFE–7000)
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$)
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
methane
methyl acetate
methylene chloride (dichloromethane)
methyl formate ($HCOOCH_3$)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$)
parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3- pentafluorobutane (HFC-365mfc)
pentafluoroethane (HFC-125)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
perchloroethylene (tetrachloroethylene)
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
1,1,1-trifluoroethane (HFC-143a)
trifluoromethane (HFC-23)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 25:258 (February 1999), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ250*. Such comments must be received no later than April 26, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ250*. This regulation is available on the Internet at http://www.deq.louisiana.gov/ planning/regs/index.htm.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

0503#062

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Security-Sensitive Information
(LAC 33:I.601, 603, 605, 607, and 609)(OS061)

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 adopt the Office of the Secretary regulations, LAC 33:I.601, 603, 605, 607, and 609 (Log #OS061).

This Rule adopts a new chapter in LAC 33, Part I. The new chapter defines security-sensitive information, states who is responsible for declaring the information to be security sensitive, outlines procedures for submitting security-sensitive information, and states how such information will be handled by the department. Act No. 636 of the 2004 Regular Session requires the department to restrict access to certain security-sensitive information so that it is not distributed via the Internet and to adopt rules and regulations necessary to fully describe the information to which access is restricted. The basis and rationale for this rule are to fulfill the requirements of R.S. 30:2030(D) and to protect certain security-sensitive information from dissemination via the Internet.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures
Chapter 6. Security-Sensitive Information

§601. Scope

A. Department of Environmental Quality records and information obtained under the Louisiana Environmental Quality Act, or in accordance with any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public unless specifically excepted or exempted by law. In accordance with law, regulation, or general practice, records and information may be made accessible to the public in a variety of ways, including but not limited to in-person on department premises, at a public library or other public facility, via request in accordance with the Louisiana Public Records Act, at a public meeting, via public notice, or via the Internet. Certain security-sensitive information shall not be publicly distributed or disseminated via the Internet by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§603. Definitions

Security-Sensitive Information as defined in R.S. 44:3.1, security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

Distribution or Dissemination via the Internet to make known to the public generally by posting to a web, FTP, database, or application server configured for anonymous public access under the direct control of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§605. Responsibility of Provider of Records or Information

A. As the department does not generate security-sensitive information as defined in LAC 33:I.603, it shall be the responsibility of a provider of such information to identify it as security sensitive at the time of submitting it to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§607. Procedure for Submitting Security-Sensitive Information

A. In the event that a submittal of records, documents, or information to the department contains security-sensitive information, these steps shall be followed in order to ensure that the information is marked for protection from Internet distribution or dissemination.

1. A cover sheet conspicuously labeled with the phrase "Contains Security-Sensitive Information" shall accompany the submittal. Each page or any item (e.g., any picture, map, videotape, computer disk, etc.) that contains allegedly security-sensitive information shall be clearly labeled. To the maximum extent possible, security-sensitive information shall be segregated and placed in a clearly labeled appendix to facilitate identification and handling.

2. A statement detailing the reasons for the required protection shall also accompany the submittal. It shall include all of the following:

a. the measures taken to guard against undesired disclosure of the information to others;

b. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;

c. whether disclosure of the information would be likely to result in substantial harmful effects and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects;

d. the period of time for which protection from Internet distribution or dissemination is desired; and

e. a certification that all statements are true and correct to the best of the provider's knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§609. Dissemination of Existing Security-Sensitive Information; Notification to Department

A. In the event that the department distributes or disseminates any information via the Internet that was in its possession prior to the adoption of this regulation, and the provider of the information considers the information to be security sensitive, it is the responsibility of the provider to notify the department via letter to the Custodian of Records, Department of Environmental Quality, Box 4303, Baton Rouge, LA 70821-4303 or by fax to (225) 219-3175.

Notification shall include all information required in LAC 33:I.607 and authentication that the person making the declaration is authorized to do so. Distribution or dissemination of the material via the Internet will be restricted within three business days of notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS061. Such comments must be received no later than May 3, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS061. This regulation is available on the Internet at http://www.deq.louisiana.gov/planning/regs/index.htm.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Security-Sensitive Information

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no expected implementation costs or savings to state or local governmental units by the proposed Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units by the proposed Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups by the proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment by the proposed Rule.

Wilbert F. Jordan, Jr.	Robert E. Hosse
Assistant Secretary	General Government Section Director
0503#064	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Waste Tire Fees
(LAC 33:VII.10505, 10509,10519, 10521, 10535, and 10537)(SW039)

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 Solid Waste regulations, LAC 33:VII.10505, 10509,10519, 10521, 10535, and 10537 (Log #SW039).

The proposed Rule allows the department to collect fees on the sale of all tires instead of just new tires. It adds new definitions, including motor vehicle dealer, and exempts tires weighing over 500 pounds and/or solid tires from the definition of waste tire. A fee of $1.25 will be collected on recapped or retreaded tires. The rule develops the standards and responsibilities of motor vehicle dealers in regards to the waste tire fee collection. This rule is a result of Act 846 of the 2004 Regular Session of the Louisiana legislature. The basis and rationale for this rule are to ensure proper processing, recycling, marketing, and disposal of waste tires generated in Louisiana.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the proposed rule. This report is published in the Potpourri Section of the March 20, 2005, issue of the *Louisiana Register*. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 105. Waste Tires

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10509. Prohibitions and Mandatory Provisions

A. - G. …

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. …

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

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

D. - E.1. …

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of $2 for each passenger/light truck tire, $5 for each medium truck tire, and $10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."

F. - J. …

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

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

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

N. - O. …

P. All generators of waste tires (e.g., new tire dealers, used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10521. Standards and Responsibilities of Motor Vehicle Dealers

A. All existing motor vehicle dealers shall notify the Office of Management and Finance, Financial Services

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

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

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

D. Motor vehicle dealers must provide notification to the public via a sign, made available by the Office of Management and Finance, Financial Services Division, indicating that:

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

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

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

G. Motor vehicle dealers, who generate waste tires, shall comply with the manifest requirements of LAC 33:VII.10533.

H. Motor vehicle dealers shall comply with LAC 33:VII.10519.H for all waste tires and waste tire material collected and/or stored.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§10535. Fees and Fund Disbursement

A. - A.8. …

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

C. - D.10. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:

§10537. Enforcement

A. …

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In any case where a person selling tires has failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. - E.2.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to

participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW039. Such comments must be received no later than May 3, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW039. This regulation is available on the Internet at http://www.deq.louisiana.gov/planning/regs/index.htm.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Waste Tire Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost to state or local entities will be determined by how many new motor vehicles are purchased. DEQ has no reliable information as to how many vehicles may be purchased annually by local entities. According to State Purchasing, the state of Louisiana purchased 1,335 one-ton or smaller vehicles in FY 2002, 789 of these vehicles in FY 2004, and has purchased slightly more than 1,000 of these vehicles in FY 05 to date. It is likely that as many as 1,000 to 1,200 of these vehicles would be purchased by the state annually. Therefore, a minimum annual cost to the state each year from these fees would be approximately $8,000 to $10,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The revenue collections from the amendments to the waste tire disposal fees are estimated to be $1.6 million to $1.8 million for tires on new motor vehicles sales, and $420,000 for used and retreaded tires. The estimate for used and retreaded tires is considered to be a conservative estimate based on the difference of remittances of registered tire retailers from prior years as compared to remittances of these entities as subject to the fee on used and retreaded tires during the last three months of calendar year 2004. Collection of fees on used and retreaded tires is expected to increase in the future as dealers become compliant with these regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The cost will be determined by the number of new motor vehicles purchased.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Wilbert F. Jordan, Jr.	Robert E. Hosse
Assistant Secretary	General Government Section Director
0503#063	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111 The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.301, 501, 517, 519, 901, 1301, 1401, 1403, 1405, 1407, 1501, 1503, 1505, 1701, 1703, 1704, 1705, 1706, 1707, 1901, 1903, 2101, 2301, 3107, 3109, 3111, and 3905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111 The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

The proposed changes more clearly define the school performance score goal, calculating the NRT index (formulas and inclusion of students and schools), reward eligibility, academic assistance, school improvement, school improvement requirements (schools, districts, and state), reconstitution light plans, local board of education requests, waivers, and alternate assessment results.

Title 28
EDUCATION
Part LXXXIII. Bulletin 111—Louisiana School, District, and State Accountability
Chapter 3. School Performance Score Component
§301. School Performance Score Goal

A. - D. ...

E. Beginning in 2004, preliminary accountability results issued each summer shall include both preliminary school performance scores and subgroup component analyses for those schools on the academic watch list, or in school improvement 2 or higher, or who have failed the subgroup component the prior year. Final accountability results shall be issued during the fall semester of each year.

1. Beginning in fall of 2004, schools shall receive two SPSs.

a. A Growth SPS, which shall consist of the CRT, NRT, and LAA data from the prior school year and the attendance and/or dropout data from the school year two years prior (example: fall 2004 Growth SPS will include spring 2004 CRT, NRT and LAA data and 2002-2003 attendance and/or dropout data).

i. The Growth SPS shall be used to determine growth labels, rewards status and academic assistance status for the SPS component

b. A Baseline SPS, which shall consist of the two prior school years' CRT, NRT, and LAA data and attendance and/or dropout data from two years' prior to the most recent assessment results (example: fall 2004 Baseline SPS will include spring 2003 and 2004 CRT, NRT, and LAA data and 2001-02 and 2002-03 attendance and/or dropout data).

i. The Baseline SPS shall be used to determine performance labels and academically unacceptable schools.

F. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:

Chapter 5. Calculating the NRT Index

§501. Formulas Relating Student Standard Scores to NRT Index (K-8)

A. Formulas for calculating the NRT Index Iowa Standard Scores (SS) beginning in 2003.

Index 3rd Grade = (4.181 * SS) – 693.6
Index 5th Grade = (3.101 * SS) – 599.3
Index 6th Grade = (2.462 * SS) – 470.4
Index 7th Grade = (2.153 * SS) – 427.1
Index 9th Grade = (2.060 * SS) – 430.5

B. A student not taking the test and not exempted will be assigned a zero NRT index.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003), amended LR 31:

§517. Inclusion of Students

A. As a general rule for the school performance score calculations, the test score of every student who is eligible to take a test at a given school shall be included in that school's performance score regardless of how long that student has been enrolled in that school. A school that has at least 10 percent of its students transferring from outside the district after October 1 but before the conclusion of spring testing may request that the Louisiana Department of Education calculate what its Growth and Baseline SPS would have been if such out-of-district enrollees had not been included. If the newly calculated Growth SPS indicates a change in academic assistance or reward status, then the school may request a waiver from any negative accountability action taken by the state: e.g., movement into school improvement, application of growth labels.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:

§519. Inclusion of Schools

A. Beginning in 2004, for the Baseline SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and

2. 20 students with complete composite scores on the statewide norm-referenced test.

B. Beginning in 2004, for the Growth SPS, all schools shall have a minimum number of:

1. 40 testing units to include one or all four parts of the statewide criterion-referenced test; and

2. 10 students with complete composite scores on the statewide norm-referenced test.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:

Chapter 9. Growth Labels

§901. Growth Labels for 2003

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), repealed LR 31:

Chapter 13. Rewards/Recognition

§1301. Reward Eligibility

A. Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of Exemplary or Recognized Academic growth. Exemplary Academic Growth shall require, in addition to achieving the school's Growth Target, at least 2.0 points growth in every subgroup's GPS (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students), and the school cannot be in any level of school improvement. Recognized Academic Growth is earned by any school that meets its growth target, regardless of subgroup growth or school improvement status.

B. School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salaries or stipends.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 30:1446 (July 2004), LR 31:

Chapter 14. Academic Assistance (formerly School Improvement 1)

§1401. Levels of Academic Assistance

A. There shall be six levels of academic assistance. A school that enters academic assistance shall receive additional support and assistance with the expectation that efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in academic assistance shall begin the remedies required at the level that the school is in as a result of the fall final accountability release. The remedies required in each level of academic assistance shall be additive in nature as schools move to higher levels of academic assistance (e.g., schools in academic assistance level 3 are required to meet the remedies of levels 1, 2, and 3).

Academic Assistance Level	Remedy
1	If SPS < 80,0 the district will assist the school with a needs assessment and in analyzing the data to determine strengths, weaknesses, goals, and objectives.
	Revised School Improvement Plan
2	Scholastic Audit (Year 1)
	District Assistance Team
3	Scholastic Audit (Year 2)
4	Add from Corrective Action List
5	Develop Reconstitution "light" plan
6	Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1403. Entry into Academic Assistance

A. Schools that fail to meet their growth targets enter academic assistance level 1 (AA1) when:

1. they receive a 1 star performance label based on the current year's score release and fail to meet their growth target; or

2. they receive a 2 star performance label and do not make at least 0.1 SPS points of growth based on the current year's score release; or

3. they receive a 3 star performance label and decline more than 2.5 SPS points based on the current year's score release.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1405. Movement in Academic Assistance

A. Schools move one level higher in academic assistance when they fail to meet their growth target and their newly calculated growth target exceeds 8.0 SPS points (a school in AA2 moves to AA3).

B. Schools remain at the same level of academic assistance when they:

a. reach their growth target, but their new growth target exceeds 8.0 SPS points; or

b. fail to reach their growth target, but their new growth target is less than or equal to 8.0 SPS points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1407. Exit from Academic Assistance

A. A school shall exit academic assistance when the fall accountability results indicate it has achieved its growth target and its new growth target is less than or equal to 8.0 SPS points.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 15. School Improvement (formally called Corrective Actions)

§1501. Levels of School Improvement

A. There shall be five levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 2 and SI 3).

SI Level	Remedy	SPS Component Academically Unacceptable Schools		Subgroup Component AYP Analysis	
		Title I	Non-Title I	Title I	Non-Title I
SI 2	Revised School Improvement Plan	X	X	X	X
	School Choice	X	X	X	-
	Scholastic Audit (Year 1)	X	X	X	X
	District Assistance Team	X	X	X	X
SI 3	Supplemental Educational Services (SES)	X	-	X	-
	Schools are eligible for DE	X	X	-	-
	Scholastic Audit (Year 2)	X	X	X	X
SI 4	Add from Corrective Action List	X	X	X	X
	Develop reconstitution plan (eligible for DE Partnership)	X	X	-	-
SI 5	Implement reconstitution plan or lose school approval	X	X	-	-
	Develop Alternate Governance plan	-	-	X	-
	Develop Reconstitution "light" plan	-	-	-	X
SI 6	Alternate Governance	X	X	X	-
	Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.	-	-	-	X

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004), LR 31:

§1503. Entry into School Improvement

A. Schools shall enter school improvement by two methods of identification.

1. Any academically unacceptable school enters school improvement 2.

a. Beginning in 2005, schools with a Baseline SPS below 60.0 shall be considered academically unacceptable.

b. Any school that fails the subgroup component in the same subject for two consecutive years is in school improvement 2.

B. Schools that enter school improvement 2 through method 1 or 2 above shall be considered as not meeting adequate yearly progress for the purposes of NCLB.

C. In the event that test scores are voided at a school due to testing irregularities, the accountability recalculations shall be performed. If applicable, the school shall be placed in the appropriate level of school improvement at the time of recalculation, and all associated remedies shall be applied.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2257 (October 2004), LR 30:2445 (November 2004), LR 31:

§1505. Exit from School Improvement

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

1. it is no longer academically unacceptable, and has met its growth target, and has not failed the subgroup component for 2 consecutive years;

2. it is in school improvement for failure to pass the subgroup component, and it passes the subgroup component for two consecutive years and is not academically unacceptable;

3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2257 (October 2004), LR 31:

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

§1701. School Improvement Requirements

A. A Revised or New School Improvement Plan (SIP). All Louisiana schools were required to have school improvement plans in place by May of 1998. Within 90 days of initial identification, those schools placed in School Improvement shall be required with the assistance of District Assistance Teams to review and either revise or completely rewrite their School Improvement Plans according to the guidelines established by the Louisiana Department of Education.

B. Assurance Pages. Districts with schools in school improvement shall be required to provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric. Signatures of the appropriate district personnel shall also be required.

C. All schools in school improvement shall be assigned a District Assistance Team to assist in the development of the SIP according to the guidelines established by the Louisiana

Department of Education, and shall submit its' SIP to the Division of School Standards, Accountability, and Assistance. Districts with school's in school improvement must also submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan* for each school in school improvement.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2744 (December 2004), LR 31:

§1703. School Improvement 2 Requirements (SI 2)

A. A school shall remain in SI 2 if:

1. it is academically unacceptable, made its growth target; or

2. it passes the subgroup component in the same subject that caused it to enter SI 2 for the current year, but not two consecutive years.

B. - C. Repealed.

D. - E. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:

§1704. School Improvement 3 Requirements

A. A school enters SI 3 if:

1.- 3. …

4. Repealed.

B. A school remains in SI 3 if:

1.- 2. …

3. Repealed.

C. - D. …

E. All Title I schools in SI 3, who have failed the SPS component, or the subgroup component in the same subject that caused them to enter SI 2, shall offer supplemental educational services to their students as stated in Chapter 27.

E.1. - F. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:

§1705. School Improvement 4 Requirements

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1.- 3. …

4. Repealed.

C. A school remains in SI 4 if:

1. - 2. …

3. Repealed.

D. - G. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 30:2446 (November 2004), LR 31:

§1706. School Improvement 5 Requirements

A. All schools in SI 5 must adhere to the requirements of schools in SI 4.

B. A school enters SI 5 if:

1. - 3. …

4. Repealed.

C. A school remains in SI 5 if:

1. - 2. …

3. Repealed.

D. – F. ...

G. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:

§1707. School Improvement 6 Requirements

A. All schools in SI 6 must adhere to the requirements of schools in SI 5.

B. A school enters SI 6 if:

1. - 3. ...

4. Repealed.

C. A school remains in SI 6 if:

1. it is an AUS and it made its GT; or

2. it passes the subgroup component in the same subject that caused it to enter SI 6 for the current year, but not two consecutive years.

3. Repealed.

D. - D.5. …

E. All non-Title I schools that enter SI 6 due to subgroup component failure must implement their approved "Reconstitution Light" Plans.

F. - Note. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:

Chapter 19. School Improvement: District and State Level Tasks

§1901. District Level Tasks

A. For all schools in school improvement, districts shall:

1. submit to SBESE by February 1st of each year a status report regarding the implementation of all school improvement requirements and activities in each of their school improvement schools;

2. assign a District Assistance Team (DAT) to assist in the development of the School Improvement Plan according to the guidelines established by the Louisiana Department of Education that include:

a. assist the school with the state's diagnostic process or another process meeting state approval to identify needs in order to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

i. opportunities for significant parent and community involvement;

ii. public hearings; and

iii. at least two-thirds teacher approval.

3. provide assurances from the local superintendent and the DAT that each school's improvement plan has the essential components required in the Louisiana School

Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric;

4. assist with the scholastic audit, if necessary; and

5. when provided with the results of the scholastic audit, develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;

6. offer school choice, if required, within proper timeframe.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 31:

§1903. District Support at Levels 3-6

A. - B.6. .Repealed.

C. District's Responsibilities for School(s) in School Improvement 3:

1. continue to adhere to the requirements of schools in school improvement as described in §1901;

2. - 4. …

5. - 6. Repealed.

D. District's responsibilities for schools in School Improvement 4:

1. - 3. …

E. District's responsibilities to schools in School Improvement 5:

1. - 3. …

F. District's Responsibilities to Schools in School Improvement 6:

1. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:

Chapter 21. State-Level School Improvement Tasks

§2101. State Support at Each Level

A. State's Responsibilities to Districts with Schools in School Improvement:

1. - 4. …

5. ensure that an external scholastic audit is completed for all SI2 schools as funding is available. If funding is limited, SI2 schools will be prioritized from lowest SPS to highest SPS, and scholastic audits will be conducted in rank order until funding is exhausted;

6. provide training for District Assistance Teams;

7. work to secure new funding and/or redirect existing resources to help implement their improvement plans;

8. approve school choice plans;

9. provide additional school improvement funds, as available.

B. Repealed.

C. State's responsibilities to districts with Schools in School Improvement 3:

1. - 3. …

D. State's responsibilities to districts with Schools in School Improvement 4:

1. - 2. …

E. State's responsibilities to districts with Schools in School Improvement 5:

1. - 5. …

F. State's responsibilities to districts with Schools in School Improvement 6:

1. - 2. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:

Chapter 23. Reconstitution/Alternate Governance Plans

§2301. Schools Requiring Reconstitution/Alternate Governance Plans

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan: AUS schools in SI 4.

2. "Reconstitution Light" Plan: non-Title I schools in SI 5 for failing the subgroup component and schools in academic assistance level 5 for failing to make their required growth.

3. Alternate Governance Plan: Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

4. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, and how/why these proposed changes shall lead to improved student performance.

5. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance, to improve student academic achievement in the school to be able to make adequate yearly progress.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003), amended LR 31:

Chapter 31. Data Correction and Appeals/Waivers Procedure

§3107. General Guidelines—Local Board of Education-Level Requests

A. The superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 30 calendar days after the official release of the final accountability results in the fall of each year.

B. Data corrections shall be grounds for an appeal or waiver request when:

1. evidence attributes data errors to the LDE and/or those contractors used for the student assessment program; and/or

2. evidence attributes errors to the LEA. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in Bulletin 111, shall not be considered by the LDE.

C. Supporting documentation for appeal/waiver requests should clearly outline those data from the most recent spring tests administration, and attendance and dropout data from the prior academic year that are erroneous. Further, computations by the local boards of education should provide evidence that the school's SPS and/or subgroup component results are significantly affected by the data in question. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:2258 (October 2004), LR 31:

§3109. Criteria for Appeal

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to option status for alternative schools or pair/share status during the LDE accountability status verification process prior to the calculation of the school performance scores and subgroup component scores. Appeal recalculations shall be made using the information provided to the LDE in the following instances:

1. the student population in a school significantly increases by greater than or equal to 10 percent as a result of students transferring into the school from outside of the district as explained in §517;

2. an alternative school changes its option status by meeting the eligibility requirements;

3. a school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:1620 (August 2004), repromulgated LR 30:1997 (September 2004), amended LR 31:

§3111. Criteria for Waiver

A. The recalculated SPS baseline of a school changes by 2.5 points (+/-2.5) as a result of a significant change of 10 percent or more in the student population because of students transferring into the school from outside of the district as explained in §517.

B. - D.1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 31:

Chapter 39. Inclusion of Students with Disabilities

§3905. Inclusion of Alternate Assessment Results

A. Beginning with the 2002-2003 Baseline SPS, LAA test scores shall be included in all SPS and Subgroup AYP calculations.

B. LAA scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking alternate assessments shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office, which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs (savings) to state governmental units. The proposed changes more clearly define the school performance score goal, calculating the NRT index (formulas and inclusion of students and schools), reward

eligibility, academic assistance, school improvement, school improvement requirements (schools, districts, and state), reconstitution light plans, local board of education requests, waivers, and alternate assessment results.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley	H. Gordon Monk
Deputy Superintendent	Staff Director
Management and Finance	Legislative Fiscal Office

0503#016

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 116 Louisiana Classical Languages Content Standards
(LAC 28:CVII.Chapters 1-13)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 116 Louisiana Classical Languages Content Standards*. Bulletin 116 will be printed in codified format as Part CVII of the Louisiana Administrative Code. The *Louisiana Classical Language Content Standards* will provide guidance for the teaching of classical languages and for the selection of textbooks.

During the last several years, all modern and classical language teachers have been using the *Louisiana Foreign Language Content Standards* to guide instruction. Classical language teachers, however, have maintained that their curriculum and standards should be different, in that classical languages are no longer spoken (unlike modern languages which emphasize oral proficiency). The *Louisiana Classical Language Content Standards* document was developed by a committee of teachers and university instructors and is based on national standards for the teaching of classical languages.

Title 28
EDUCATION
Part CVII. Bulletin 116—Classical Languages Content Standards

Chapter 1. General Provisions

§101. Definitions

A. Assessment. Assessment is the process of obtaining quantitative or qualitative information about the academic status of students or schools. Assessment is a part of instruction and is used in conjunction with other information to make educational decisions, to judge instructional effectiveness, curricular adequacy, or to form policy.

B. Authentic Materials. For students and teachers of classical languages, authentic materials are the products of the ancient world. For students of Latin and Greek, unadapted literature is the most important authentic material. All the remains of the classical world contribute to our knowledge of their practices, their perspectives, their culture: literature, non-literary records, artifacts, art, architecture, and all the things that archaeologists unearth.

C. Beginning/Developing/Expanding and Extending. Elementary students, if Latin or Greek is taught continuously from the early grades, may be expected to demonstrate beginning benchmarks by grade 6 or 8 (perhaps even by grade 4 if they begin a well coordinated program in kindergarten). Middle school students who study Latin or Greek every day in grades 7 and 8 should demonstrate beginning benchmarks by the end of grade 8. High school students should demonstrate beginning status by the end of their Level I course, intermediate status by the end of a Level III course, and advanced status by the end of a Level V or Advanced Placement Course. Such designations as Level I, II, and III place learning in a time frame that standards of excellence seek to avoid. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

D. Benchmark. A benchmark gives a quick picture of what a student who has mastered a standard knows and can do in a specific situation. Under each standard are benchmarks for beginning, intermediate, and advanced students. The benchmarks are neither prescriptive nor exhaustive. Intermediate and advanced students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

E. Culturally Authentic. The most culturally authentic materials are those the Romans used, read, saw, and touched. Because these materials are rare or inaccessible to most students, it is necessary to create materials that approximate what was known in the ancient world, e.g., a story in Latin about a Roman child's day in school. Although comprehension of an unadapted text is the ultimate goal, that is not often attainable by a beginning seventh grader. If the emphasis in created materials is culturally authentic, students learn culture at the same time that they are learning language.

F. Curriculum. This state framework provides a curricular and programmatic context. District curricula further define course content in a coordinated sequence. A course curriculum is a teacher's outline for a specific course of study. Lesson plans translate curriculum into meaningful and creative activities for the individual classroom. The standards are meant as a guide to curriculum development, not a substitute for it. Curricula vary according to teaching style, learning style, the teacher's philosophy of teaching and learning, students' ability, textbooks used, and available resources. Curricula designed to achieve the standards should vary in many ways: in specific lesson plans, in types of drill, and in choice of authors and literary works.

G. Literature. Greek and Latin literature ranges at least from the eighth century B.C. through the classical periods of Greece and Rome, the Byzantine and Middle Ages, the Renaissance, and even into the present age. Epic, lyric, tragic and comic drama, satire, history, biography, oratory, philosophy, scientific, agricultural, and medical treatises, even the novel are among the genres read by students of Latin and Greek. This wealth of literature provides a broad

base for choosing authors or genre. In addition, nonliterary Latin and Greek provide a storehouse of authentic material to read: graffiti, inscriptions, coins, curse tablets. Caesar, Cicero, and Vergil have long been standard fare for high school students; they continue to be important models. However, the wealth of non-traditional authors and non-literary sources should not be ignored. *Louisiana Classical Language Content Standards* does not mandate the study of any particular set of authors but is intended to guide students toward a mastery of the language that will enable them, at the most advanced level, to read any author of Latin or Greek.

H. Oral Latin or Greek. The oral use of Latin or Greek includes reading or reciting Latin or Greek texts aloud (with proper attention to metrical structure, if the passage is poetry), asking and responding to questions, making statements, issuing and responding to commands. The word "speak," a more natural substitute for "use orally," has been avoided in order not to imply that "conversation" is an important part of the standard.

I. Perspectives. Perspectives are the meanings, attitudes, values, and ideas of a given culture, ancient or modern.

J. Proficiency. Proficiency is having or manifesting the knowledge and experience needed for success in language learning.

K. Reading. Reading includes all of the following: reading aloud, paraphrasing content, analyzing grammar and syntax, interpreting meaning, and translating. All of these skills cannot be demonstrated simultaneously, and good pedagogy would elicit practice and assessment of the separate skills for different and specific purposes. Reading that employs all methods needed for an accurate interpretation of the original text is, in the broadest sense, philology.

L. Scenario. A scenario is a picture in words of student performance in a classroom situation. It is a fully developed segment of curriculum, is articulated in a lesson plan, has activities, and uses specific linguistic and pedagogical strategies. The scenarios in *Louisiana Classical Language Content Standards* list the standards addressed and the reflections of the teacher on the lesson.

M. Standard. A standard describes what students should know and be able to do. Each strand in *Louisiana Classical Language Content Standards* contains two content standards.

N. Strand. The standards are organized within five strands that make up classical language education: communication, culture, connections, comparisons, and communities. These are the strands established in *Louisiana Classical Languages Content Standards*. Each strand is interrelated and must be woven into the fabric of curriculum development at the state, district, and local levels.

O. Translation. Translations are versions of a text in another language. They can range from close adherence to the original syntax to a free interpretation of content. Translations can be a teaching device to measure comprehension; they can also be high art, demanding an expert command of English and Latin.

P. Writing. *Louisiana Classical Languages Content Standards* uses writing to mean any of the following: taking dictation, translating from English into Latin or Greek, transforming Latin or Greek into different patterns of Latin or Greek while maintaining the meaning, creating free composition in Latin or Greek. The primary aim of such written work is to enhance the ability of students to read the languages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§103. Purpose

A. The words, ideas, and culture of the ancient world are communicated to us in the writing and the archaeological remains of the people and their institutions. The ancient Greeks and Romans, breaking barriers of time and place, have communicated their message through the ages and continue to communicate to the modern world; we, in turn, communicate more clearly to each other in word, in practice, and in product as a result of that contact.

1. *Louisiana Classical Languages Content Standards* applies strands of language learning to a context appropriate for Latin and Greek.

2. *Strands* categories within particular content areas which vary from discipline to discipline. Strands are interrelated and should be integrated rather than taught in isolation.

B. The standards for classical language learning are organized within the five strands which make up classical language education: communication, culture, connections, comparisons, and communities. Each strand is a thread in the fabric that must be woven into curriculum development at the state, district, and local levels.

1. *Focus* a statement describing the importance of a content strand.

2. *Content Standard* a description of what students should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

a. Each strand contains two content standards. These standards describe the knowledge and abilities students should acquire.

3. *Benchmark* a broad statement of process and/or content that is used as a reference to develop curriculum and assess student progress.

a. Under each standard are *benchmarks* for beginning, developing, and expanding/extending students. The benchmarks indicators are neither prescriptive nor exhaustive. Developing and expanding/extending students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

C. What is a beginning, developing, or expanding/extending student? If Latin or Greek is taught continuously from the early grades, it would be reasonable to assume that a beginning student might demonstrate progress indicated by the beginning sample progress indicators by grade 6 or 8. Students who study Latin or Greek every day in grades 7 and 8 should be able to demonstrate the beginning progress indicators by the end of grade 8. Level I high school students may demonstrate beginning status by the end of their Level I course. Developing students may demonstrate their progress at the end of a Level III course. Expanding/extending students may demonstrate their progress at the end of an Advanced Placement Course. Such designations as Level I, II, and III place learning in a time-frame and organize it into courses that standards of excellence seek to avoid. Course and

curricula are products of the district and school. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

D. Benchmark Code

1. The first two letters indicate the strand (CM=Communication, CL=Cultures, CN=Connections, CP=Comparisons, CT=Communities). The following number indicates the standard. The following letter indicates the level (B=Beginning, D=Developing, E=Expanding/Extending). The last number indicates the benchmark. For example: CM-1-D1 refers to the Communication Strand, Standard One, Developing-Level Benchmark One.

2. Sample benchmarks have been developed as indicators of progress for each of the following levels: beginning, developing, and expanding/extending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 3. Content Standards

§301. Foundation Skills

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

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

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

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

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

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

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§303. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

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

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

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

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

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

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report,

project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§305. Classical Languages

A. *Communication* communicate in a classical language.

1. Interpretation students read, understand, and interpret Latin or Greek.

2. Language Learning students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. *Cultures* gain knowledge and understanding of Greco-Roman culture.

1. Practices students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

2. Products students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

C. *Connections* connect with other disciplines and acquire information.

1. Reinforcement students reinforce and further their knowledge of other disciplines through their study of classical languages.

2. Acquisition students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

D. *Comparisons* develop insight into the nature of language and the concept of culture.

1. Nature of Language students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

2. Concept of Culture students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

E. *Communities* participate in a world of languages and cultures.

1. Participation students use their knowledge of Latin or Greek in a multilingual world.

2. Application students use their knowledge of Greco-Roman culture in a world of diverse cultures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 5. Communication Strand

§501. Focus

A. Standard 1 defines "communication" as it applies to the learning of a classical language. The written messages from the ancient world, from epic poetry to Pompeian graffiti, are our major source of knowledge and our major line of communication with the Greeks and Romans. Reading, then, is the first standard and the key to communicating with the ancient world. But the Forum and the Agora were alive with the sounds of commerce, the speeches of politicians, the noise of gossip. The recitation of poetry published the sounds of an active literature. To hear these sounds, to imitate those cadences in the classroom, to practice writing words and ideas in the ancient language enhance the ability to read. The second standard of the communication strand emphasizes the importance of oral skills, listening, and writing as tools to improve reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§503. Communication Standard 1

A. Interpretation students read, understand, and interpret Latin or Greek.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-1-B1	Reading words, phrases, and simple sentences and associating them with pictures, and/or other words, phrases and simple sentences	(1, 2, 4)
CM-1-B2	Demonstrating reading comprehension by answering simple questions in Latin, Greek, or English about short passages of Latin or Greek	(1, 2)
CM-1-B3	Demonstrating a knowledge of vocabulary, basic inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-1-D1	Reading and understanding passages of Latin or Greek composed for acquisition of content and language skills	(1, 2)
CM-1-D2	Reading and understanding, with appropriate assistance, passages of Latin or Greek adapted from the original authors	(1, 2, 3)
CM-1-D3	Reading and understanding short, unadapted passages of Latin or Greek when provided with appropriate assistance	(1, 2, 3)
CM-1-D4	Demonstrating reading comprehension by interpreting the meaning of passages they read	(1, 2, 4)
CM-1-D5	Recognizing some figures of speech and features of style in the authors they read	(1, 2, 3)
CM-1-D6	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-1-E1	Reading and understanding prose and poetry of selected authors with appropriate assistance	(1, 2, 3)
CM-1-E2	Interpreting the meaning of the passages they read	(1, 2, 4)
CM-1-E3	Recognizing, explaining, and interpreting content and features of style and meter of the authors they read	(1, 2, 3, 4)
CM-1-E4	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to the authors they read	(1, 2, 3)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§505. Communication Standard 2

A. Language Learning students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-2-B1	Recognizing and reproducing the sounds of Latin or Greek	(1)
CM-2-B2	Responding appropriately to simple questions, statements, commands, or non-verbal stimuli	(1, 2)
CM-2-B3	Writing simple phrases and sentences in Latin or Greek	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-2-D1	Reading Latin or Greek aloud with accurate pronunciation, meaningful phrase grouping, and appropriate voice inflection, by imitating the models they have heard	(1, 2, 4)
CM-2-D2	Responding appropriately to questions, statements, commands, or other stimuli	(1, 2)
CM-2-D3	Writing phrases and sentences in Latin or Greek	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-2-E1	Reading Latin or Greek prose and poetry aloud with attention to such features as metrical structure, meaningful phrase grouping, and appropriate voice inflection	(1, 2, 4)
CM-2-E2	Responding appropriately to more complex spoken and written Latin or Greek	(1, 2, 4)
CM-2-E3	Writing passages of connected sentences in Latin or Greek	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 7. Culture Strand

§701. Focus

A. Learning the perspectives of the Greeks or Romans through their practices and through their products is key to an understanding of their culture. The focus of Strand 2 is on the ability of students to hear, read, and see the message of the Greeks or Romans. Their daily life, education, politics, history, philosophy, and religious practices tell students about their perspectives, revealed both in their literary products and in remaining artifacts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§703. Cultures Standard 1

A. Practices students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-1-B1	Demonstrating a basic knowledge of the daily life of the ancient Greeks or Romans	(1, 4)
CL-1-B2	Demonstrating knowledge of some famous Greeks or Romans and of selected facts of history and geography of the ancient world	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following:

CL-1-D1	Demonstrating a knowledge of the daily life and thought of the ancient Greeks or Romans, gained in part from the reading of Latin or Greek texts, and applying that knowledge to an understanding of Greek or Roman cultures	(1, 2, 4)
CL-1-D2	Demonstrating a knowledge of the people and facts of Greek or Roman history and political life, gained in part from the reading of Latin or Greek texts, and relating that knowledge to an understanding of Greek or Roman perspectives.	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-1-E1	Demonstrating a broad knowledge of Greek or Roman history, customs, and private and political life, gained from the reading of Latin or Greek authors, and using that knowledge in analyzing Greek or Roman culture	(1, 4, 5)
CL-1-E2	Demonstrating knowledge of philosophy, religion, and the arts of the ancient Greeks or Romans, gained from their reading of Latin or Greek authors, and relating that knowledge to an understanding of Greek or Roman perspectives	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§705. Cultures Standard 2

A. Product students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-2-B1	Identifying the principal Greek or Roman deities and heroes by their names, deeds, and spheres of influence	(1, 4)
CL-2-B2	Recognizing basic architectural features and art forms of the Greeks or Romans	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CL-2-D1	Relating their reading of selected texts, literary and non-literary, adapted and unadapted, to an understanding of Greek or Roman culture	(1, 3, 4)
CL-2-D2	Demonstrating knowledge of architectural styles, art forms, and artifacts of the Greeks or Romans and using them in analyzing Greek or Roman culture	(1, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-2-E1	Demonstrating knowledge of an author, a genre, and/or a literary period gained from authentic materials and unadapted texts in Latin or Greek and applying it to an understanding of Greek or Roman culture	(1, 2, 3, 4)
CL-2-E2	Demonstrating knowledge of archaeological evidence, art forms, and artifacts of the Greeks or Romans and using it in analyzing Greek or Roman culture	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 9. Connections Strand

§901. Focus

A. As studies have shown, students learn better when they see the content of courses as relevant to their lives (Henze and Lucas, 1995). If they are unable to make connections with other courses and with their own interests, they cannot perceive the relevance of the material they study. For this reason instructors should incorporate material from other courses, such as math, English, and the sciences, as well as material that might be relevant to aspects of students' lives outside of the classroom. Making connections with other disciplines can also help the student by reinforcing what has already been learned or by giving new insights.

B. Because of the tremendous influence of classical culture, the study of Latin or Greek is particularly well suited for making connections with other languages. Successful teachers make many connections with other disciplines in order to show students the relevance of studying the two languages.

C. The benchmarks in the Connections Strand are deliberately broad since there are so many useful paths teachers can take in making connections and since circumstances (such as local curricula or individual student taste) will influence what connections are most effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§903. Connections Standard 1

A. Reinforcement students reinforce and further their knowledge of other disciplines through their study of classical languages.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes.

CN-1-B1	Using their knowledge of Latin or Greek in understanding a specialized vocabulary in such fields as government and politics	(1,4, 5)
CN-1-B2	Recognizing and using Roman numerals and the vocabulary associated with counting	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-1-D1	Recognizing and making connections with Latin or Greek terminology in the sciences and technology	(1,2, 4)
CN-1-D2	Recognizing and making connections with Latin or Greek terminology in the social sciences and history	(1,2,4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-1-E1	Demonstrating in their written and spoken vocabulary a knowledge of philosophical, legal, artistic, and musical terms associated with Latin or Greek	(1, 2, 3, 4, 5)
CN-1-E2	Demonstrating their knowledge of Latin or Greek terminology in the social sciences and history	(1, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§905. Connections Standard 2

A. Acquisition students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CN-2-B1	Acquiring information about the Greco-Roman world by reading passages of Latin or Greek with a culturally authentic setting	(1, 2, 3, 4)
CN-2-B2	Recognizing plots and themes of Greco-Roman myths in the literature of other cultures	(1, 4)
CN-2-B3	Demonstrating a knowledge of the geography of the ancient world and connecting it to the modern world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-2-D1	Acquiring information about the Greco-Roman world by reading adapted or selected Latin or Greek sources	(1, 2, 4)
CN-2-D2	Connecting their knowledge of ancient history and social and political systems to events and systems in the modern world	(1, 2, 4, 5)
CN-2-D3	Connecting their knowledge of the Latin or Greek language to their knowledge of literature and artistic achievement	(1, 2, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-2-E1	Acquiring information about the Greco-Roman world by reading Latin or Greek literary and non-literary sources	(1, 2, 4)
CN-2-E2	Transferring their knowledge of Latin or Greek literature to their understanding of world literature	(1, 2, 3, 4)
CN-2-E3	Demonstrating their knowledge of the influence of Greco-Roman mythology, history, social and political systems, and artistic achievements on world culture	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 11. Comparisons Strand

§1101. Focus

A. Students become better equipped to reflect on their native language and culture after having studied other languages and cultures. As students become aware of and sensitive to the behaviors, perspectives, and products of the cultures of ancient Greece and Rome, they acquire a perspective from which to examine and analyze their own culture, and its origins, more objectively.

B. One of the most direct methods available to understanding a world different from our own is through the learning of a second language. The second language classroom should serve as a springboard for cross-cultural comparisons and help students take on a new and broader perspective (Curtain and Pesola, 1994).

C. Students often express that through the study of another language they develop a deeper understanding of the syntactical structuring of their own language. Even simple vocabulary instruction can provide new cultural vistas for the classical language learner. It can therefore be seen that this comparative approach can begin at a very early stage in the instruction of second languages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1103. Comparisons Standard 1

A. Nature of Language students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-1-B1	Demonstrating a basic knowledge of Latin and Greek roots, prefixes, and suffixes by recognizing them in English words of Latin or Greek origin	(1, 2, 3, 4)
CP-1-B2	Understanding some Latin or Greek phrases, mottoes, and abbreviations used in English	(1, 2, 3, 4, 5)
CP-1-B3	Demonstrating an understanding of basic language patterns of English as they relate to the structure of Latin and Greek	(1, 2, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-1-D1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English	(1, 2, 3, 4)
CP-1-D2	Demonstrating an increased use of English words from or related to Latin or Greek	(1, 4)
CP-1-D3	Comparing and contrasting the language patterns and grammar of Latin or Greek with the structure and grammar of English	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-1-E1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English and applying some principles of word building and word transfer	(1, 2, 4)
CP-1-E2	Demonstrating an enhanced ability to read, write, understand, and speak English based on the vocabulary and grammar of Latin or Greek	(1, 2, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1105. Comparisons Standard 2

A. Concept of Culture students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-2-B1	Looking at the architectural features of the buildings around them and recognizing the Greco-Roman elements in them	(1, 2, 3, 4, 5)
CP-2-B2	Comparing and contrasting aspects of their own public and private life with those of the Greeks or Romans	(1, 2, 4, 5)
CP-2-B3	Comparing the themes and heroes of classical mythology with the themes and heroes of their own folklore and culture	(1, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-2-D1	Identifying elements in their own art and literature that have their basis in the Greco-Roman world	(1, 2, 3, 4)
CP-2-D2	Reflecting on classical influence on the political institutions, law, and history of their own culture	(1, 2, 4, 5)
CP-2-D3	Recognizing in their reading of modern stories and literature the influences of the myths and literature of the ancient world	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-2-E1	Recognizing the influence of Greco-Roman history, private and public life, art, and architecture on their own world and making comparisons and drawing conclusions based on that knowledge	(1, 2, 3, 4, 5)
CP-2-E2	Comparing and contrasting elements of the literature, mythology, and philosophy of their own world with those of the ancient world	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 13. Communities Strand

§1301. Focus

A. The Communities Strand focuses on the application of the knowledge of Latin or Greek to wider linguistic and cultural communities. Knowledge of Latin or Greek enables students to develop a full understanding and appreciation of classical influences in today's world as they encounter other cultures. Understanding Greco-Roman culture provides students with a basis for interpreting events of the modern world. The tools of technology and telecommunication provide links to the resources of the worldwide classical community. Students also form links between classical languages and certain professional fields through their specialized terminology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1303. Communities Standard 1

A. Participation students use their knowledge of Latin or Greek in a multilingual world.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-1-B1	Presenting and exchanging information about their language experience to others in the school and in the community	(1, 2, 3, 4, 5)
CT-1-B2	Recognizing the influence of Latin or Greek on the specialized language of various professional fields and recognizing its use in the media	(1, 2, 3, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-1-D1	Combining the tools of technology with their classical language skills to communicate with other students in a global community	(1, 2, 3, 4, 5)
CT-1-D2	Interacting with community members who are involved in a variety of careers to understand how they have used their study of classical languages	(1, 3, 4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-1-E1	Using their knowledge of Latin or Greek in communicating within the student and adult community of classical language learners	(1, 2, 3, 4)
CT-1-E2	Using their knowledge of Latin or Greek in learning other languages	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1305. Communities Standard 2

A. Application students use their knowledge of Greco-Roman culture in a world of diverse cultures.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-2-B1	Recognizing from their study of Greco-Roman culture that cultural diversity has been an integral feature of society from antiquity	(1, 2, 3, 4, 5)
CT-2-B2	Sharing with others in schools and communities their understanding of cultural differences in the Greco-Roman world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-2-D1	Comparing the issues that reveal cultural differences in the ancient world with similar issues in modern cultures	(1, 2, 4)
CT-2-D2	Combining the tools of technology with their knowledge of Greco-Roman culture to share cultural experiences	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-2-E1	Participating in the community of classical scholars in cultural events, contests, lectures, and scholarship	(1, 3, 4)
CT-2-E2	Showing evidence of connecting the past to the present by applying their knowledge of ancient cultures to their own thoughts and actions	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 116—Louisiana Classical Languages—Content Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule lists the content standards established for Louisiana Classical Languages. The content standards are set apart from the Louisiana Foreign Language Content Standards as they deal with classical languages that are no longer spoken. The estimated implementation cost is $1,224 for publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0503#022

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118 Statewide Assessment Standards and Practices
(LAC 28:CXI.Chapters 1-35)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 118 Statewide Assessment Standards and Practices*. Bulletin 118 will be printed in codified format as Part CXI of the Louisiana Administrative Code. Bulletin 118 has been developed to consolidate the State Board of Elementary and Secondary Education (SBESE) and the Division of Student Standards and Assessments (DSSA) test policy rules, guidelines, and procedures for easy access during statewide test administration.

Title 28
EDUCATION
Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 1. General Provisions

§101. Purpose

A. Bulletin 118 is intended to provide Louisiana educators and education administrators with a unified and comprehensive guide to testing programs, policies, and procedures in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.1–391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§103. Overview

A. The Louisiana Legislature in Regular Session during the summer of 1997 amended and reenacted R.S. 17:24.4 (F) and (G)(1), relative to the Louisiana Competency-Based Education Program, to require proficiency on certain tests as determined by the State Board of Elementary and Secondary Education (SBESE) for student promotion and to provide guidelines relative to the content of Pupil Progression Plans.

B. The amendment and reenactment of the Louisiana Competency-Based Education Program was the result of an ever-increasing demand by Louisiana taxpayers for a better accounting of educational dollars. Act 621, the Public School Accountability Law statute initiated the following guidelines, which continue in the Louisiana Competency-Based Education Program. The Public School Accountability Law called for:

1. the establishment of a program for shared educational accountability in the public educational system of Louisiana;

2. the attainment of established testing standards for education;

3. the provision of information for an analysis of the effectiveness of instructional programs through test assessment results; and

4. the annual assessment of students based on state content standards.

C. The Louisiana Competency-Based Education Program is based on the premise that the program must provide options to accommodate the many different learning styles of students. Every effort is made to tailor the test design and structure to the needs of individual students, including students with special instructional needs who subsequently need test accommodations.

D. The Louisiana Department of Education (LDE) will provide leadership and assistance to school districts in an effort to attain a public system of education that makes the opportunity to test successfully available to all students on equal terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 24:4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§105. Testing and Accountability

A. Every school shall participate in a school accountability system based on student achievement as approved by the SBESE.

B. Under No Child Left Behind (NCLB), the Elementary and Secondary Education Act of 2002, a state's definition of Adequate Yearly Progress (AYP) must apply the same high standards of academic achievement to all public elementary and secondary school students in the state and result in continuous and substantial academic improvement for all students, including students with disabilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§107. Assessment Programs

A. Kindergarten Developmental Readiness Screening Program (KDRSP). Each school district is required to administer an approved screening instrument to each child entering kindergarten for the first time, with the results to be used for placement and planning instruction.

B. Louisiana Educational Assessment Program for the 21st Century (LEAP 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. The tests assess a student's complex thinking skills as well as knowledge and application of information. These high-stakes tests are tied to promotional policy for grades 4 and 8.

C. Graduation Exit Examination for the 21st Century (GEE 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. These high-stakes tests require high school students to meet established achievement levels to be eligible to receive a high school diploma.

D. The Iowa Tests. The Iowa Tests of Basic Skills (ITBS), used in grades 3, 5, 6, and 7, and the Iowa Tests of Educational Development (ITED), used in grade 9, are norm-referenced tests that provide comparative data to evaluate student, school, and district performance. The last administration of The Iowa Tests will occur in the academic year 2004–2005.

E. Integrated Louisiana Educational Assessment Program (*i*LEAP). The *i*LEAP will integrate criterion-referenced tests and norm-referenced tests into one program to provide data for evaluating students, schools, and district

performance in grades 3, 5, 6, 7, and 9 beginning with the 2005–2006 academic year.

F. LEAP Alternate Assessment (LAA). The LAA is a performance-based student assessment that evaluates each eligible special education student's knowledge and skills in targeted areas. It is an "on-demand" assessment, which means the test administrator directs the student to perform a specific task and then scores the student's performance after the task is completed.

G. English Language Development Assessment (ELDA). The ELDA is a research-based program designed to measure proficiency in reading, writing, speaking, and listening to English of LEP students; the program began in the 2004–2005 academic year.

H. Graduation Exit Examination ("old" GEE). The "old" GEE measures curricula-based proficiencies in English Language Arts, Mathematics, Written Composition, Science, and Social Studies. The administration of the "old" GEE became a district responsibility beginning with the 2003-2004 academic year.

I. LEAP Alternate Assessment-B (LAA-B). The LAA-B, which was administered from 2000 through 2003, assessed special education students who met specific criteria at their functioning levels in language/reading and/or mathematics, rather than at their enrolled grade levels.

J. National Assessment of Educational Progress (NAEP). Also known as the Nation's Report Card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

K. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments, including LEAP 21, GEE 21, ELDA, and *i*LEAP. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

L. Placement Tests. Students from out-of-district or in-state educational settings, such as approved home study programs or nonpublic schools, who wish to enroll in public schools at grades 5 and 9 must take a placement test if they have not taken and met the requirements for LEAP 21. Students taking the placement test must score basic or above in English Language Arts or Mathematics and approaching basic or above in the other to enroll in grade 5 and score approaching basic or above in English Language Arts and Mathematics to enroll in grade 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§109. Assessment Populations

A. Classified Populations

1. Definition

Classified Population a population of students that is identified for educational and accountability purposes.

2. Regular Education Students. These are students who have not been identified as eligible for special education and related services.

3. Special Education Students. This group includes:

a. students with disabilities. These are students who have been evaluated in accordance with CFR 300.530–300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services (*Federal Register*, Vol. 64, No. 48);

b. gifted and talented students. These are students who have been identified as possessing demonstrated or potential abilities that give evidence of high-performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities (HR 637-Gifted and Talented Students Education Act of 1999);

c. Section 504 students. These are students with one or more disabilities according to the regulations for Section 504 of the Rehabilitation Act of 1973, which defines disability as a physical or mental impairment which substantially limits one or more major life activities. (PL95-602 Title 1, Sec.122 [a] [4]-[8]);

d. limited English proficient students. These are students who are aged 3 through 21; who have been enrolled in a primarily English-speaking school for less than a year; who were not born in the United States or whose native language is a language other than English; who are Native Americans or Alaska Natives or native residents of the outlying areas and come from an environment where a language other than English has had significant impact on their level of English language proficiency; or who are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny them:

i. the ability to meet the state's proficient level of achievement on state assessments;

ii. the ability to successfully achieve in classrooms where the language of instruction is English; or

iii. the opportunity to participate in society.

B. Nonclassified Populations

1. Definition

Nonclassified Population a population of students that is identified for reasons other than educational or accountability purposes.

2. Homebound Program Students. These are students who are unable to attend school as a result of health care treatment or physical illness and who are assigned a teacher to instruct them at home or in a hospital environment.

3. Approved Home Study Program Students. These students are taught in a program with a state-approved curriculum that is implemented under the direction and control of a parent or a tutor. A *tutor* is defined as a court-appointed guardian under Louisiana law.

4. Foreign Exchange Students. These students are citizens of another nation who have come under the auspices of a specific program to study in U.S. public elementary and secondary schools.

5. Correctional Facilities. These are students attending alternative schools under the Office of Youth Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 3. Test Security

§301. Participation

A. All persons involved in assessment programs must abide by the security policies and procedures established by the LDE and the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§303. Definitions

Access access to secure test materials by school personnel means physically handling the materials, not reading, reviewing, or analyzing test items, either before or after testing.

Secure Materials test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents; and
3. any other materials that contain test items or student responses.

Testing Irregularity any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§305. Test Security Policy

A. The SBESE first approved a Test Security Policy on December 10, 1998. The policy has been periodically revised. The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious. The Test Security Policy follows.

1. Tests administered by or through the SBESE shall include but not be limited to:
   a. all alternate assessments;
   b. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs).
2. For purposes of this policy, school districts shall include:
   a. local education agencies (LEAs);
   b. special school districts;
   c. approved special schools, such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf;
   d. laboratory schools;
   e. Type 2 charter schools;
   f. Louisiana School for Math, Science, and the Arts; and
   g. participating nonpublic/other schools that utilize tests administered through the SBESE or the LDE.
3. It shall be a violation of test security for any person to do any of the following:
   a. administer tests in a manner that is inconsistent with the administrative instructions provided by the LDE that would give examinees an unfair advantage or disadvantage;
   b. give examinees access to test questions prior to testing;
   c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations Tests Read Aloud or Communication Assistance, Transferred Answers, or Answers Recorded for students determined to be eligible for those accommodations);
   d. at any time, copy, reproduce, discuss or use in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);
   e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;
   f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form:
      i. written;
      ii. printed;
      iii. verbal; or
      iv. nonverbal;
   g. administer published parallel, previously administered, or current forms of any statewide assessment [e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Integrated LEAP (*i*LEAP), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), the English Language Development Assessment (ELDA), or forms K, L, and M and all new forms of the Iowa Tests as a practice test or study guide];
   h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;
   i. conduct testing in environments that differ from the usual classroom environment without prior written permission from the LDE, Division of Student Standards and Assessments;
   j. fail to report any testing irregularities to the district test coordinator (a testing irregularity is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the LDE, Division of Student Standards and Assessments;
   k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.
4. Each school district as described in this policy shall develop and adopt a district test security policy that is in compliance with the state's test security policy. A Statement of Assurance regarding the LEA's test security policy must be submitted annually to the LDE, Division of Student Standards and Assessments. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:
   a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts,

science tasks), videotapes, and completed observation sheets;

b. for the storage of all tests materials, except district and school test coordinator manuals and test administration manuals, in a designated secure locked area before, during, and after testing; all secure materials, including any parallel forms of a test, must be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended;

c. a description and record of professional development on test security, test administration, and security procedures for individual student test data provided for all individuals with access to test materials or individual student test data (access to test materials by school personnel means any contact with or handling the materials but does not include reviewing tests or analyzing test items, which are prohibited);

d. a list of personnel authorized to have access to the locked secure storage area;

e. procedures for investigating any testing irregularities, including violations in test security, such as plagiarism and excessive wrong-to-right erasures identified through erasure analysis;

f. procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests, as required by the amended R.S. 17:81.6;

g. procedures for the investigation of any missing test booklets, answer documents, or supplementary secure material (e.g., writing prompts, science tasks);

h. procedures for ensuring the security of individual student test data in electronic and paper formats.

5. Procedures for investigating missing secure materials, any testing irregularity (including cheating), and any employees accused of improprieties must, at a minimum, include the following.

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the LDE. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

b. The location of the designated secure locked area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified.

c. Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time must be interviewed.

6. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

7. After completion of the investigation, the school district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the LDE are authorized to conduct additional investigations.

8. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the LDE. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks).

9. Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a designated locked secure storage area prior to and after administration of any test.

i. Test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in the designated locked secure storage area each day of testing.

b. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks), or the quantity received from contractors must be reported to the LDE, Division of Student Standards and Assessments, by the designated institutional or school district personnel prior to the administration of the test.

d. In the event that test booklets, answer documents, or supplementary secure materials (e.g., writing prompts, science tasks) are determined to be missing while in the possession of the institution or school district or in the event of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the LDE, Division of Student Standards and Assessments, and follow the detailed procedures for investigating and reporting specified in this policy.

e. Only personnel trained in test security and administration shall be allowed to have access to or administer any standardized tests.

f. Each district superintendent or institution must annually designate one individual in the district or institution as district test coordinator, who is authorized to procure test materials that are utilized in testing programs administered by or through the SBESE of the LDE. The name of the individual designated must be provided in writing to the LDE, Division of Student Standards and Assessments, and included on the Statement of Assurance.

g. Testing shall be conducted in class-sized groups. Bulletin 741 (913(A) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment

are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller Bulletin 741, (915). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the LDE, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the school district must provide at least one proctor for every 30 students.

h. The state superintendent of education may disallow test results that may have been achieved in a manner that is in violation of test security.

10. The LDE shall establish procedures to identify:

a. improbable achievement of test score gains in consecutive years;

b. situations in which collaboration between or among individuals may occur during the testing process;

c. a verification of the number of all tests distributed and the number of tests returned;

d. excessive wrong-to-right erasures for multiple-choice tests;

e. any violation to written composition or open-ended responses that involves plagiarism;

f. any other situation that may result in invalidation of test results:

i. in cases in which test results are not accepted because of a breach of test security or action by the LDE, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.

11. Individuals shall adhere to all procedures specified in all manuals that govern mandated testing programs.

12. Any individual who knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), or Graduation Exit Examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

13. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the SBESE or the LDE shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeited, or altered identification for the purpose of obtaining admission to any test administration site must forfeit all test scores but will be allowed to retake the test at the next test administration.

14. School districts must ensure that individual student test data are protected from unauthorized access and disclosure. District test coordinators, principals, school test coordinators, and other authorized users of the LEAP*web* Reporting System and LEAP*data* System must ensure the security of passwords, any disks or CDs with downloaded individual student test data, and student-level test data open on a computer screen. All users must sign a statement guaranteeing they will not share the password with unauthorized individuals and will maintain the confidentiality of student data. A copy of the signed statement should be sent to the district test coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site must not use or share the password. District test coordinators are responsible for providing training regarding the security and confidentiality of individual student test data (in paper and electronic format) and of aggregated data of fewer than 10 students.

15. LDE staff will conduct site visits during testing to observe test administration procedures and to ensure that appropriate test security procedures are being followed. Schools with prior violations of test security or other testing irregularities will be identified for visits. Other schools will be randomly selected.

16. Any teachers or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions of R.S. 17:416 et seq., R.S. 17:441 et seq., R.S. 17:81.6 et seq., policy and regulations adopted by the SBESE, and any and all laws that may be enacted by the Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.7 (C) (G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§307. Change of District Test Coordinator Notification

A. If during the academic year the person appointed as district test coordinator changes, the district superintendent must notify the LDE, Division of Student Standards and Assessments. The notification must be in writing and must be submitted within 15 days of the change in appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§309. Erasure Analysis

A. To investigate erasures on student answer documents for the multiple-choice portions of the state criterion-referenced and norm-referenced testing programs, the SBESE and the LDE have developed the following procedures.

1. Scoring contractors scan every answer document for wrong-to-right erasures, and the state average and standard deviation are computed for each subject at each grade level.

2. Students whose wrong-to-right erasures exceed the state average by more than four standard deviations are identified for further investigation. For each student with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures is considered.

3. Based on the criteria for excessive wrong-to-right erasures, scoring contractors produce the following reports.

a. District/School Erasure Analysis Report. This report identifies districts and schools within the districts whose answer documents have excessive wrong-to-right erasures.

b. Student Erasure Analysis Report. This report identifies individual students whose answer documents have excessive wrong-to-right erasures. The answer documents of students identified as having excessive wrong-to-right answers are available for review at the LDE upon request.

4. Once districts, schools, and individual students have been identified, the state superintendent of education sends letters to district superintendents stating that students in those districts have been identified as having excessive wrong-to-right erasures. Based on the number of erasures found, scores for students exceeding the four-standard-deviation criterion will be voided. Individual student reports from the testing program will reflect the voided scores. In the aggregation of scores at the school, district, and state levels, each voided score will have the effect of a zero score. Copies of the District/School and Student Erasure Analysis reports are enclosed with the letters. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division of Student Standards and Assessments, and the district test coordinator.

5. The local superintendent must investigate the case of the irregularity and provide a report of the investigation and a written plan of action to the state superintendent of education within 30 calendar days.

6. A summary report of erasure analysis irregularities will be presented to the Louisiana Educational Assessment Testing Commission and the SBESE after each LEAP test administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§311. Addressing Suspected Violations of Test Security and Troubling Content in Written Responses (Constructed Responses, Short Answers, and Essays)

A. The Test Security Policy approved by the SBESE requires that the LDE establish procedures to deal with breaches of test security. District authorities provide the LDE information about voiding student tests because of student violations observed during test administration or violations by school personnel or others that have been reported. In addition, the scoring process produces information regarding written responses that have common elements, which indicate a student brought unauthorized materials to testing and used them to assist in writing; that indicate that teacher interference might have been a significant factor, and in which troubling content was evident. Procedures for dealing with these issues follow.

1. Violation by Student as Observed by Test Administrator

a. The test administrator must notify the school test coordinator about any suspected incident of cheating and provide a written account of the incident. Answer documents in such cases should be processed like all other answer documents.

b. The school test coordinator must then convene a school-level test security committee consisting at a minimum of the principal, the school test coordinator, and the test administrator to determine whether a test should be voided.

c. If it is deemed necessary to void the test, the school test coordinator must notify the district test coordinator of the void request in a letter written on school letterhead, signed by the school principal and the school test coordinator. The original account of the incident written by the test administrator must be enclosed.

d. The district test coordinator must then fax a completed void form to the LDE, Division of Student Standards and Assessments, as directed in the *District and School Test Coordinators Manual*. The original Void Verification form, along with a copy of the school test coordinator's request for the void, must also be mailed to the LDE, Division of Student Standards and Assessments, as directed in the manual.

2. Reported Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator for further investigation, and a report of the incident must be sent to LDE, Division of Student Standards and Assessments.

3. Suspected Violations Discovered by Scoring Contractors

a. In addition to erasure analysis for multiple-choice items, possible incidents of the following violations may be discovered during the scoring process:

i. plagiarism. Responses contain exact or almost exact content, and/or words or phrases, and/or format;

ii. use of unauthorized materials. Students brought unauthorized materials into the testing environment and used them to assist in written responses;

iii. teacher interference. Teacher interference is evident in written responses.

b. If possible incidents of violations are discovered in the scoring process, the scoring contractor notifies the LDE, Division of Student Standards and Assessments, of suspect documents with a summary of its findings.

c. Professional assessment and related-content personnel from the Division of Student Standards and Assessments review the suspect documents and determine whether the evidence supports voiding the responses.

d. If voiding is recommended, LDE mails the district superintendent a letter of what was observed during the scoring process that caused the alert and identifies the particular document that was voided. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division of Student Standards and Assessments, and the local district test coordinator.

i. Within 30 calendar days of the receipt of such a letter, the district must investigate the incident and provide a written plan of action to the state superintendent of education. If the district and/or parent/guardian(s) wish to discuss the situation further or to examine the student responses, a meeting may be scheduled at the LDE offices between staff members from the Division of Student Standards and Assessments, district representatives, and parent/guardian(s).

4. Disturbing Content. If student responses with disturbing content are discovered during the scoring process, the scoring contractor will notify the appropriate staff member at the LDE, Division of Student Standards and Assessments.

a. Professional assessment personnel review the responses. If it is determined that disturbing content causes a compelling need to break confidentiality, LDE will contact

the district superintendent by telephone to summarize findings and inform him or her that materials are being mailed regarding the alert.

b. Issues regarding troubling content are for the district's information to assist the student and do not require further communication with LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§313. Viewing Answer Documents

A. A parent, guardian, student, school, or district must place a request to view an answer document through the district test coordinator.

B. The district test coordinator must send a written request to view the answer document to the LDE, Division of Student Standards and Assessments. The request must include:

1. the student's name;

2. the student's state ID number or social security number;

3. the student's enrolled grade;

4. the type of assessment (i.e., LEAP 21, GEE 21, LAA, The Iowa Tests, *i*LEAP, ELDA) and the content area of the answer document or documents requested; and

5. the district name and code and school name and code where the student tested.

C. LDE will notify the testing contractor of the request; the testing contractor will send a copy of the requested answer document(s) to LDE.

D. Upon receipt of the requested answer document(s), LDE will contact the district test coordinator who placed the request to schedule an appointment to review the answer document(s).

E. The district test coordinator or his or her designee must accompany the school personnel, parent, guardian, and/or student to the appointment.

F. LDE will black out test items on answer documents prior to viewing. Only the student's responses may be observed.

G. LDE staff will remain in the room during the viewing of the answer document(s). Answer documents may not be copied or removed from the room. Written notes of student responses may not be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§315. Emergencies During Testing

A. For emergencies (e.g., fire alarms, bomb threats) that require evacuation of the classroom during administration of statewide assessments, the following procedures should be followed.

1. If the room can be locked, the test administrator should direct the students to place the answer document inside the test booklet and leave both on the desk. Before students are allowed back into the room, the test administrator should return to the room, pick up the test booklets, answer documents, and other secure materials, and then distribute them individually to the students when they have returned to their desks.

2. If the room cannot be locked and if at all possible, the test administrators should direct students to place the answer document on top of the test booklet and hand both along with any other secure materials to the test administrator as students file out of the room. Test administrators should carry the documents with them to their designated location outside the building. If return to the building is delayed, the school test coordinator should pick up and check in the materials from the test administrators.

3. If testing has not started prior to the emergency and the students have not yet opened their test booklets and answer documents, testing should start when students return to the room.

4. If students have opened their testing materials to begin testing and test security has been maintained, testing may continue after students return to the room.

5. If the test booklets have been opened and test security has been compromised, testing should not be continued. The answer documents should be sent to the testing company with the responses that were completed prior to the emergency. High school students who did not meet the achievement-level requirements to be eligible for a standard high school diploma will be allowed to retake the test they did not complete during the emergency at the next test administration. Likewise, a student who is unable to complete a LEAP 21 test because of an emergency situation, thereby not meeting the requirements for promotion, will be allowed to retake the test during the next test administration.

6. As a precautionary measure, graduating seniors might be tested together in a single group or in several smaller groups so test security is easier to maintain if there is an emergency.

7. If test security has been compromised, the district test coordinator must notify the LDE, Division of Student Standards and Assessments, as soon as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 5. Test Coordinator Responsibilities

Subchapter A. District Test Coordinator

§501. District Test Coordinator Role

A.1. A district test coordinator's responsibilities fall into three categories:

a. making arrangements for testing;

b. handling and maintaining the security of test materials; and

c. training school test coordinators, district special education directors/supervisors, district Section 504 coordinators, district student information system coordinators, and principals.

2. Specific tasks include:

a. submitting enrollment data by the yearly deadline;

b. appointing a school test coordinator for every school involved in state testing;

c. scheduling testing and makeup dates and times of state tests based on state-approved schedules;

d. arranging for testing students enrolled in approved home study programs and nonpublic schools;

e. coordinating with the district Section 504 coordinator the submission of Section 504 District Data Validation forms to the LDE, Division of Special Populations, Section 504 coordinator;

f. conducting district training sessions for all principals, school test coordinators, district Section 504 coordinators, district student information system coordinators, district special education directors/supervisors, and district LEP coordinators;

g. answering questions about test security, administration, and return of materials;

h. receiving and verifying the delivery and return of testing materials;

i. designating an appropriate locked, secure area for storing testing materials;

j. maintaining the security of test materials immediately upon receipt of testing materials from testing contractors and from schools;

k. distributing testing materials to school test coordinators;

l. collecting, assembling, and packaging all testing materials and completing and submitting or filing all forms as instructed in the manuals;

m. arranging for pickup of testing materials for shipment to the scoring contractor as instructed in the manuals;

n. reporting immediately to the LDE, Division of Student Standards and Assessments, any missing test booklets or answer documents and returning them to test contractors if they are found;

o. investigating any testing irregularities and reporting them to the LDE, Division of Student Standards and Assessments;

p. reporting to the LDE, Division of Student Standards and Assessments, instances of students marking in a wrong section of the answer document;

q. submitting all void and test irregularities forms and documentation as instructed in the manuals;

r. returning any secure materials used for test accommodations, such as transparencies or computer disks, to the LDE, Division of Student Standards and Assessments;

s. returning any secure materials used for test accommodations, such as transparencies or computer disks, to the LDE, Division of Student Standards and Assessments;

t. maintaining the district password and all school passwords within the district that are used with LEAP*web* Reporting System and the LEAP*data* Query System;

u. training district and school users within a district to effectively use the systems; ensure they are familiar with the Family Education Rights and Privacy Act (FERPA) law governing confidentiality of student records, and ensure they have signed a security agreement before receiving a password for access to the LEAP*data* Query System;

v. ensuring:

i. that all district/school users maintain the security of and access to all student information obtained via the LEAP*web* Reporting and LEAP*data* Query systems;

ii. that all school users are aware that student test data shall not be disclosed to anyone other than another school official and only for a legitimate educational purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. School Test Coordinator

§511. School Test Coordinator Role

A. A school test coordinator's responsibilities include:

1. supervising testing procedures and materials control at the school level;

2. scheduling testing dates and times with the district test coordinator;

3. making arrangements for a location to test students with certain accommodations or in the case of untimed tests, students who need time beyond that scheduled to complete testing;

4. scheduling and monitoring makeup testing;

5. notifying the district test coordinator immediately of any missing secure materials;

6. verifying the count of all materials received and reporting any discrepancies to the district test coordinator;

7. ensuring the security of testing materials from the time they arrive at the school until the time they are returned to the district test coordinator;

8. noting any discrepancies in the count or numbering of test booklets or answer documents from that recorded on documents from the scoring contractor;

9. notifying the district test coordinator of additional test booklets, answer documents, or manuals needed;

10. reviewing all manuals in their entirety;

11. conducting a training session in test security and administration for test administrators and all other individuals who have access to secure materials before, during, and after test administration;

12. submitting the Verification of Section 504 forms to the school district Section 504 coordinator by the date established in the district;

13. compiling a list of students approved for accommodations, with the accommodations they are to receive, and providing a list of such students in a testing group to individual test administrators;

14. verifying that classrooms have been prepared for testing (test-related content material removed or covered, sufficient space for students, testing sign on door);

15. distributing materials to test administrators on the appropriate testing day and collecting, checking in and putting into the secure storage area all secure testing materials at the end of each day of testing and during any extended breaks;

16. monitoring testing sessions;

17. supervising test administrators who must transfer student answers from large-print, braille, or other accommodation formats to a scorable answer document;

18. collecting and returning any computer disks or other accommodation-format testing materials;

19. reporting any testing irregularities to the district test coordinator; and

20. packaging test materials as instructed in the manuals for return to the district test coordinator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 7. Assessment Program Overview

§701. Overview of Assessment Programs in Louisiana

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
Kindergarten Screening		
Kindergarten Developmental Readiness Screening Program (KDRSP)	Kindergarten	fall 1987–
Norm-Referenced Tests (NRTs)		
California Achievement Test (CAT/F)	grades 4, 6, and 9	spring 1988–spring 1992 (no longer administered)
California Achievement Test (CAT/5)	grades 4 and 6 grade 8	spring 1993–spring 1997 spring 1997 only (no longer administered)
Iowa Tests of Basic Skills (ITBS) (form L) and Iowa Tests of Educational Development (ITED) (form M)	grades 4, 6, 8, 9, 10, and 11	spring 1998 (no longer administered)
ITBS ITED (form M)	grades 3, 5, 6, and 7 grade 9	spring 1999–spring 2002 (no longer administered)
ITBS ITED (Iowa 03)	grades 3, 5, 6, and 7 grade 9	spring 2003–spring 2005
Criterion-Referenced Tests (CRTs)		
National Assessment of Educational Progress (NAEP)	grades 4, 8, and 12	spring 1990–
Louisiana Educational Assessment Program (LEAP)	grades 3, 5, and 7	spring 1989–spring 1998 (no longer administered)
Graduation Exit Examination ("old" GEE)	grades 10 and 11	spring 1989– spring 2003 (state administered) fall 2003– (district administered)
Louisiana Educational Assessment Program for the 21st Century Program (LEAP 21) (ELA and Mathematics)	grades 4 and 8	spring 1999–
LEAP 21 (Science and Social Studies)	grades 4 and 8	spring 2000–
Graduation Exit Examination for the 21st Century Program (GEE 21) (ELA and Mathematics)	grade 10	spring 2001–
GEE 21 (Science and Social Studies)	grade 11	spring 2002–
Integrated NRT/CRT		
Integrated Louisiana Educational Assessment Program (iLEAP)	grades 3, 5, 6, 7, and 9	spring 2006–
Special Population Assessments		
Louisiana Alternate Assessment (LAA)	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3–11.	spring 2000–
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3–11.	spring 1999–spring 2003 (no longer administered)
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K–12	spring 2005–

B. As a result of these initiatives, the SBESE in May, 1997 approved content standards in English language arts, mathematics, science, social studies, foreign languages, and the arts. The LDE initiated new criterion-referenced tests to align with these standards. In the 1997 Regular Session of the Louisiana Legislature, the state law was changed to require that criterion-referenced tests be given in grades 4 and 8 rather than in grades 3, 5, and 7. In spring 2002, the new state criterion-referenced tests at grades 4, 8, 10, and 11 were completely phased in and previous criterion-referenced tests were phased out.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 9. Kindergarten Developmental Readiness Screening Program

§901. Statement of Purpose

A. This chapter provides for the implementation of local kindergarten developmental readiness screening programs as required by Act 146, Regular Session, 1986. Activities conducted under this chapter shall be coordinated with other forms of screening conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (b).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§903. Definitions

Developmental the process of identifying appropriate behavior by age level in areas such as motor skills, oral language development, cognitive development, social-emotional development, auditory discrimination, visual discrimination, and self-help skills.

Readiness Screening the process of identifying the performance levels, skills, and abilities of young children through gathering of information concerning their physical, intellectual, emotional, and social development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17.24.4 (F) (1) (b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§905. Target Population

A. Every child entering public school kindergarten for the first time shall be screened with a nationally recognized developmental readiness instrument. If a student is identified as having a disability according to Bulletin 1508 and has a current multidisciplinary evaluation, he or she shall not be excluded from this screening. If appropriate developmental screening information from the current evaluation cannot be used, appropriate adaptations of the developmental screening instrument shall be made. The results of the screening shall not exclude any child who meets the age requirements from entering public school kindergarten.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:139.11, 20, R.S. 17:151.3, R.S. 17:1941, and USCS §1400 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§907. Agency Administrative Participation

A. Screening Instruments. Each school district shall elect and administer one nationally recognized readiness screening instrument from among those recommended by the LDE and approved by the SBESE. The results of this screening shall be used in placing children within a regular kindergarten classroom setting and planning their instructional programs to meet identified needs.

B. Administrative Timelines

1. Each school district shall submit to the LDE by the date established by the LDE and annually thereafter the name of the developmental readiness screening instrument selected for system-wide use by the local school board for the purpose of program implementation.

2. Beginning with the 1987–1988 academic year and annually thereafter, screening shall occur within 30 days before or after the opening date of school.

C. Parental Advisement. Beginning with the 1987–1988 academic year and annually thereafter, school districts shall inform the parent or guardian of the results of the individual student's screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§909. State BESE-Approved Instruments

A. Instruments Approved for Use in 1990. School districts that elected to use these instruments at that time can continue to use them. School districts cannot, however, now elect to use these instruments.

Name of Instrument	Publisher
Chicago EARLY Assessment	Educational Teaching Aids
Miller Assessment for Preschoolers	The Psychological Corporation
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Developmental Indicators for the Assessment of Learning-Revised (DIAL-R)	American Guidance Service

B. Instruments Approved for Use in April 2001. School districts may use any of these instruments.

Name of Instrument	Publisher
Developmental Indicator for the Assessment of Learning—Third Edition (DIAL-3)	American Guidance Service
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Brigance K & 1 Screen	Curriculum and Associates
Early Screening Inventory—Revised	Rebus
Screening Test for Education Prerequisite Skills (STEPS)	Western Psychological Services

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 11. Louisiana Educational Assessment Program for the 21st Century

Subchapter A. General Provisions

§1101. Introduction

A. The LEAP 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. The LEAP 21 measures how well students in grades four and eight have mastered the state content standards. Test results are reported in terms of achievement levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. Achievement Levels and Performance Standards

§1113. Achievement Levels

A.1. The Louisiana achievement levels are:

a. Advanced;

b. Mastery (Exceeding the Standard);

c. Basic (Meeting the Standard);

d. Approaching Basic (Approaching the Standard); and

e. Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic, proficient, and advanced in English language arts and mathematics for NAEP.

B. Achievement Level Definitions

1. *Advanced* a student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery (formerly Proficient)* a student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic* a student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic* a student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory* a student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1115. Performance Standards

A. Performance standards for LEAP 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

B. LEAP 21 Achievement Levels and Scaled Score Ranges Grade 4

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	408–500	419–500	405–500	399–500
Mastery	354–407	370–418	360–404	353–398
Basic	301–353	315–369	306–359	301–352
Approaching Basic	263–300	282–314	263–305	272–300
Unsatisfactory	100–262	100–281	100–262	100–271

C. LEAP 21 Achievement Levels and Scaled Score Ranges Grade 8

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	402–500	398–500	400–500	404–500
Mastery	356–401	376–397	345–399	350–403
Basic	315–355	321–375	305–344	297–349
Approaching Basic	269–314	296–320	267–304	263–296
Unsatisfactory	100–268	100–295	100–266	100–262

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Subchapter C. Achievement Level Descriptors

§1125. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1127. Grade 4 Achievement Level Descriptors

A. Grade 4 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the area of reading, fourth grade students performing at the advanced level:

i. generalize about topics in the reading selection;

ii. demonstrate an awareness of how authors compose;

iii. demonstrate an awareness of how authors use literary devices in various genres; and

iv. judge texts critically and give thorough answers that indicate careful thought.

b. Specifically, when reading literary text, advanced-level students:

i. make generalizations about the point of the story;

ii. extend its meaning by integrating personal and other reading experiences with ideas suggested by the text; and

iii. identify literary devices such as figurative language.

c. When reading informational text, advanced-level fourth graders:

i. explain the author's intent by using supporting material from the text;

ii. make critical judgments of the text (including its form and content) and explain their judgments clearly; and

iii. locate, select, and synthesize information by using appropriate resources including technological sources to acquire, summarize, and communicate knowledge.

d. In the area of writing, fourth grade students at the advanced level:

i. create an effective and elaborated response to the task in form, content, and language;

ii. express analytical, critical, and/or creative thinking;

iii. have unity of form and content in response to the writing task;

iv. demonstrate awareness of the intended audience;

v. use effective organization appropriate to the task;

vi. show proficient use of transitional elements;

vii. elaborate and enhance the central idea with descriptive and supportive details;

viii. use language appropriate to the task and intended audience; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the area of reading, fourth grade students performing at the mastery level:

i. demonstrate an overall understanding of the text, providing inferential as well as literal information; and

ii. extend ideas in the text by making inferences, drawing conclusions, and making connections to their own experiences.

b. Specifically, when reading literary text, mastery-level fourth graders should be able to:

i. summarize the story;

ii. draw conclusions about the characters or plot; and

iii. recognize relationships such as cause and effect.

c. When reading informational text, mastery-level students should be able to:

i. summarize the information and identify the author's intent or purpose;

ii. draw reasonable conclusions from the text, recognize relationships such as cause and effect or similarities and differences;

iii. identify the meaning of the selection's key concepts; and

iv. locate, select, and summarize information from appropriate resources to acquire knowledge.

d. In the area of writing, fourth grade students at the mastery level:

i. create an effective response to the task in form, content, and language;

ii. demonstrate an awareness of the intended audience;

iii. use effective organization appropriate to the task;

3. Basic

a. In the area of reading, fourth grade students performing at the basic level:

i. demonstrate an understanding of the overall meaning of what they read; and

ii. make relatively obvious connections between the text and their own experiences and extend the ideas in the text by making simple inferences.

b. For example, when reading literary text, basic-level students should be able to:

i. tell what the story is generally about, providing details to support their understanding; and

ii. connect aspects of the stories to their own experiences.

c. When reading informational text, basic-level fourth graders should be able to:

i. tell what the selection is generally about or identify the purpose for reading it;

ii. provide details to support their understanding;

iii. connect ideas from the text to their background knowledge and experiences; and

iv. locate basic information in appropriate sources to acquire knowledge.

d. In the area of writing, fourth grade students at the basic level:

i. demonstrate appropriate response to the task in form, content, and language;

ii. use some supportive details;

iii. demonstrate organization appropriate to the task; and

iv. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

4. Approaching Basic

a. In the area of reading, fourth grade students performing at the approaching basic level:

i. demonstrate a partial understanding of the overall meaning of what they read; and

ii. make limited connections between the text and their own experiences.

b. For example, when reading literary text, approaching basic students should be able to recall facts and details from the text.

c. When reading informational text, these students should be able to:

i. tell what the selection is about and provide limited details; and

ii. locate information in resources that are the most commonly used.

d. In the area of writing, fourth grade students at the approaching basic level:

i. demonstrate a partial response to the task in form, content, and language;

ii. use few supportive details;

iii. demonstrate some evidence of organization; and

iv. demonstrate some command of spelling, grammar, and punctuation to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 4 Mathematics Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. They readily see multiple solutions/strategies (including nonroutine ones) to apply to problems. Fourth grade students performing at this level:

a. solve complex and nonroutine real-world problems in all the Louisiana mathematics content;

b. display mastery in the use of four-function calculators, rulers, and geometric shapes;

c. draw logical conclusions and justify answers and solution processes by explaining the procedures and the rationale for using them;

d. go beyond the obvious in their interpretations; and

e. are able to communicate their thoughts clearly and concisely.

2. Mastery. Fourth grade students performing at the mastery level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use whole numbers to estimate, compute, and determine whether results are reasonable;

b. have a conceptual understanding of fractions, decimals, and percents and their relationship;

c. are able to solve real world problems in all the Louisiana mathematics content strands;

d. accurately use four-function calculators, rulers, and geometric shapes appropriately;

e. employ problem-solving strategies such as identifying and using appropriate information; and

f. organize and present written solutions both with supporting information and explanations of how they were achieved.

3. Basic. Fourth grade students performing at the basic level show some evidence of understanding the mathematical concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. estimate and use basic facts to perform simple computations with whole numbers;

b. show some understanding of fractions, decimals, and percents and their relationships;

c. solve some simple real-world problems in all the Louisiana mathematics content strands;

d. use with some degree of accuracy four-function calculators, rulers, and geometric shapes; and

e. provide written responses that are often minimal and presented without supporting information.

4. Approaching Basic. Fourth grade students performing at the approaching basic level show minimal evidence of understanding the math concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use basic facts to perform simple computations with whole numbers;

b. recognize fractions, decimals, and percents;

c. exhibit difficulty applying conceptual knowledge in solving real-world problems;

d. use with some degree of accuracy four function calculators, rulers, and geometric shapes; and

e. provide minimal or nonexistent written responses.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

C. Grade 4 Science Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations, selecting and using appropriate tools, technology, and techniques/methods;

b. formulate appropriate questions that demonstrate critical thinking and a broad base of scientific knowledge;

c. interpret relationships and make inferences based on the data and apply to new situations;

d. organize data in graphic form, evaluate validity of data, and draw/justify conclusions based on data;

e. develop, elaborate, and modify predictions, models and explanation;

f. use/apply concepts about properties of objects/materials, position/motion of objects, and forms of energy to new ideas/situations;

g. use/apply concepts about characteristics, life cycles, and environments of organisms to recognize, analyze, and critique observed phenomena;

h. use/apply concepts of properties of earth materials, weather, and objects in sky to predict/justify patterns and relationships; and

i. use/apply concepts about interrelationships among the human, biological, chemical, and physical aspects of the environment.

2. Mastery. Fourth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations using appropriate methods, tools, technology, and techniques;

b. formulate appropriate questions demonstrating broad base of scientific knowledge;

c. identify relationships based on data and apply to new situations;

d. organize data in a graphic form, draw conclusions and justify conclusions based on data;

e. make predictions based on data (new situation, everyday life);

f. explain and connect concepts about properties of objects/materials, position/motion of objects, and formation of energy;

g. explain and connect concepts about characteristics, life cycles, and environments of organisms;

h. explain and connect concepts of properties of earth materials, weather, and objects in the sky; and

i. explain and connect concepts about the interrelationships among the human, biological, chemical, and physical aspects of the environment.

3. Basic. Fourth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and skills in the five science content strands. Fourth grade students performing at this level can:

a. perform simple scientific tasks when given clear, sequential directions;

b. recognize questions that are appropriate to investigation;

c. organize data in a graphic form and draw conclusions based on data;

d. demonstrate data in a graphic form and draw conclusions based on data;

e. demonstrate basic knowledge/understanding of properties of objects, motion of objects, and forms of energy as they apply to their everyday life;

f. demonstrate basic knowledge/understanding of characteristics, life cycles, and environments of organisms and relationships;

g. demonstrate knowledge/understanding of basic concepts of properties of earth materials, weather, and objects in sky by identifying patters; and

h. demonstrate knowledge/understanding of basic components of an ecosystem and recognize how change impacts the system.

4. Approaching Basic. Fourth grade students performing at the approaching basic level demonstrate minimal understanding science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. perform portions of simple scientific tasks when given clear, sequential directions;

b. read/interpret some data in a graphic form;

c. respond to simple directed questions;

d. exhibit partial understanding of characteristics, life cycles, and environments or organisms and relationships;

e. exhibit partial understanding of basic concepts of properties of earth materials, weather, and objects in the sky by identifying patterns; and

f. exhibit partial understanding of basic components of ecosystems and recognize how change impacts the system.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. Grade 4 Social Studies Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills, and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography The advanced student can:

i. interpret major geographic features on maps and globes;

ii. classify geographic vocabulary;

iii. analyze the connection between people, places, man, and the environment;

iv. compare geographical data;

v. compare the world in spatial terms and processes that shape the earth.

b. Civics The advanced student can:

i. evaluate the structure and purpose of government;

ii. interpret rights as stated in the Constitution.

c. Economics The advanced student can:

i. evaluate the economic factors involved in a choice or a decision;

ii. analyze decisions made by individuals, households, businesses, and governments and their economic outcomes.

d. History The advanced student can:

i. express the significance of key historical people, events, and documents;

ii. use an understanding of historical perspective, time, and chronology to analyze past and current events;

iii. use both primary and secondary sources to interpret the past;

iv. evaluate the social and economic impact of major scientific and technological advancements.

2. Mastery. Fourth grade students performing at the mastery level demonstrate mastery and application of social

studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography The mastery student can:

i. analyze and compare major geographic features on maps and globes;

ii. compare geographic vocabulary;

iii. compare the connection between people, places, man and the environment;

iv. classify geographical data;

v. describe the world in spatial terms and processes that shape the earth.

b. Civics The mastery student can:

i. explain the branches and responsibilities of government;

ii. explain the rights and responsibilities of citizens as outlined in the Constitution.

c. Economics The mastery student can:

i. apply economic concepts to given scenarios;

ii. explain how individuals, households, businesses, and governments are dependent on one another;

iii. demonstrate an understanding of the economic outcomes of decisions made by individuals, households, businesses, and governments.

d. History The mastery student can:

i. identify and describe key historical people, events and documents;

ii. apply an understanding of the concepts of historical perspective, time, and chronology;

iii. use primary and secondary sources to gain historical information;

iv. explain the importance of major scientific and technological advancements.

2. Mastery

a. Geography The mastery student can:

i. analyze and compare major geographic features on maps and globes;

ii. compare geographic vocabulary;

iii. compare the connection between people, places, man and the environment;

iv. classify geographical data;

v. describe the world in spatial terms and processes that shape the earth.

b. Civics The mastery student can:

i. explain the branches and responsibilities of government;

ii. explain the rights and responsibilities of citizens as outlined in the Constitution.

c. Economics The mastery student can:

i. apply economic concepts to given scenarios;

ii. explain how individuals, households, businesses, and governments are dependent on one another;

iii. demonstrate an understanding of the economic outcomes of decisions made by individuals, households, businesses, and governments.

d. History The mastery student can:

i. identify and describe key historical people, events and documents;

ii. apply an understanding of the concepts of historical perspective, time, and chronology;

iii. use primary and secondary sources to gain historical information;

iv. explain the importance of major scientific and technological advancements.

3. Basic. Fourth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

a. Geography The basic student can:

i. recognize major geographic features on maps and globes;

ii. write words that define geographic vocabulary;

iii. describe the connection between people, places, man, and the environment;

iv. interpret geographical data;

v. define the world in spatial terms and processes that shape the earth.

b. Civics The basic student can:

i. identify branches and major responsibilities of government;

ii. list the rights and responsibilities of citizens that are stated in the Bill of Rights.

c. Economics The basic student can:

i. identify fundamental economic concepts and terms;

ii. recognize that individuals, households, businesses, and governments are dependent on one another;

iii. recognize that the decisions made by individuals, households, businesses, and governments result in economic outcomes.

d. History The basic student can:

i. identify and describe some important people, events, and documents in American history;

ii. demonstrate an understanding of the concepts of historical perspective and time;

iii. distinguish between primary and secondary historical sources;

iv. describe some scientific and technological advancements.

4. Approaching Basic. Fourth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of the fundamental knowledge and skills in all four social studies content strands as indicated below.

a. Geography The approaching basic student can:

i. identify major geographic features on maps and globes;

ii. select words that define geographic vocabulary;

iii. explain the connection between people, places, man, and the environment;

iv. identify geographical data;

v. identify the world in spatial terms and processes that shape the earth.

b. Civics The approaching basic student can:

i. recognize that the U.S. has a government that is divided into branches;

ii. state that citizens have rights and responsibilities.

c. Economics The approaching basic student can:

i. identify some fundamental economic concepts and terms.

d. History The approaching basic student can:

i. recognize a few of the most important people, events, and documents in American history;

ii. demonstrate a limited understanding of the concepts of historical perspective and time;

iii. identify some important scientific and technological advancements.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Department of Education, State Board of Elementary and Secondary Education, LR 31:

§1129. Grade 8 Achievement Level Descriptors

A. Grade 8 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the areas of reading and use of resources, eighth grade students performing at the advanced level:

i. describe the more abstract themes and ideas of the overall text;

ii. analyze both meaning and form and support their analyses explicitly with examples from the text;

iii. extend text information by relating it to their experiences and to world events; and

iv. select and evaluate a variety of information from various sources.

b. In the area of writing, eighth grade students at the advanced level:

i. create an effective and elaborated response to the task in form, content, and language consistent with audience and purpose;

ii. express analytical, critical, and/or creative thinking;

iii. have logical, cohesive organization appropriate to the task;

iv. show sophisticated use of transitional elements;

v. use varied and elaborated supporting details in appropriate, extended response;

vi. begin to develop a personal style or voice;

vii. demonstrate precise and varied use of language, (e.g., variety of word choice and sentence structures);

viii. use a variety of strategies such as analogies, illustrations, examples, anecdotes, and figurative language; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the areas of reading and use of resources, eighth grade students performing at the mastery level:

i. show an overall understanding of the text, including inferential as well as literal information;

ii. extend the ideas in the text by making clear inferences, by drawing conclusions, and by making connections to their own experiences including other reading experiences;

iii. analyze some of the devices authors use in composing text; and

iv. select and analyze a variety of information from various sources.

b. In the area of writing, eighth grade students at the mastery level:

i. create an effective response to the task in form, content, and language consistent with audience and purpose;

ii. express analytical, critical, and/or creative thinking;

iii. have logical and observable organization appropriate to the task;

iv. show effective use of transitional elements;

v. use sufficient elaboration to clarify and enhance the central idea;

vi. use language (e.g., variety of word choice and sentence structure) appropriate to the task;

vii. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate with the reader; and

viii. use some strategies such as analogies, illustrations, examples, anecdotes, and figurative language.

3. Basic

a. In the areas of reading and use of resources, eighth grade students performing at the basic level:

i. demonstrate a literal understanding of what they read, identify specific aspects of the text that reflect the overall meaning, and extend the ideas in the text by making simple inferences;

ii. recognize and relate interpretations and connections among ideas in a text by drawing conclusions; and

iii. select and use a variety of information from various sources.

b. In the area of writing, eighth grade students at the basic level;

i. demonstrate appropriate response to the task in form, content, and language;

ii. maintain a consistent focus;

iii. demonstrate organization appropriate to the task;

iv. use supporting details; and

v. have some errors in spelling, grammar, punctuation, and capitalization that interfere with communication to the reader.

4. Approaching Basic

a. In the areas of reading and use of resources, eighth grade students performing at the approaching basic level:

i. demonstrate a partial understanding of what they read and make a few interpretations;

ii. make few extensions of ideas in text;

iii. make limited connections from text to personal experiences; and

iv. recognize a variety of information sources.

b. In the area of writing, eighth grade students at the approaching basic level:

i. demonstrate a limited response to the task in form, content, and language;

ii. maintain a limited focus;

iii. demonstrate some evidence of conscious organization;

iv. use few supporting details; and

v. demonstrate little control of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 8 Mathematics Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate abstract thinking by reaching beyond the recognition, identification, and application of mathematical rules in order to generalize and synthesize concepts and principles in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

a. probe examples and counterexamples in order to shape generalizations from which they can develop models;

b. use number sense and geometric awareness to consider the reasonableness of an answer;

c. use abstract thinking to create unique and/or alternative problem-solving techniques; and

d. explain the reasoning processes underlying their conclusions.

2. Mastery. Eighth grade students performing at the mastery level recognize, identify, and apply mathematical concepts and procedures consistently to complex problems in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

a. can conjecture and defend their ideas and give supporting examples;

b. understand the connections between fractions, percents, decimals, and other mathematical topics such as algebra and functions;

c. have a thorough understanding of basic-level arithmetic operations an understanding sufficient for problem solving in practical situations;

d. are familiar with quantity and spatial relationships in problem solving and reasoning;

e. convey underlying reasoning skills beyond the level of arithmetic;

f. compare and contrast mathematical ideas and generate their own examples;

g. make inferences from data and graphs;

h. apply properties of informal geometry;

i. accurately use the tools of technology; and

j. understand the process of gathering and organizing data and be able to calculate, evaluate, and communicate results within the domain of statistics and probability.

3. Basic. Eighth grade students performing at the basic level exhibit evidence of conceptual and procedural understanding in the six Louisiana mathematics content strands. This level of performance signifies an understanding of arithmetic operations, including estimation, on whole numbers, decimals, fractions, and percents. Eighth grade students performing at this level:

a. complete problems correctly with the help of structural prompts such as diagrams, charts, and graphs;

b. solve routine, real-world problems through the appropriate selection and use of strategies and technological tools, including calculators, computers, and geometric shapes;

c. use fundamental algebraic and informal geometric concepts in problem solving;

d. determine which of available data are necessary and sufficient for correct solutions and use them in problem solving; and

e. show limited skill in communicating mathematically.

4. Approaching Basic. Eighth grade students performing at the approaching basic level are able to use basic mathematical skills and follow simple procedures in the six Louisiana mathematics content strands, but are inconsistent in the application of conceptual knowledge. Eighth grade students performing at this level:

a. complete problems correctly with the help of structural prompts such as diagrams, charts and graphs;

b. solve one-step problems involving basic computation (=, –, x, ÷) and follow procedural steps with instructional assistance;

c. recognize basic geometric figures;

d. see simple, obvious patterns;

e. are able to use the tools of technology;

f. inconsistently apply conceptual knowledge; and

g. have difficulty transferring knowledge and skills to problem-solving situations.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

C. Grade 8 Science Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

a. Eighth grade students performing at this level:

i. use abstract concepts/theories to explain everyday situations;

ii. are able to describe many elements of a system and explain the limits of a particular example;

iii. design complex models;

iv. demonstrate an understanding of the nature and limits of science and understand that science is subject to change.

b. When given a problem, students can design a simple investigation by:

i. asking appropriate questions, and identifying those questions that are testable and nontestable;

ii. manipulating variables;

iii. using mathematics and appropriate tools to gather, analyze, and interpret data;

iv. relating several variables to explain phenomena; and

v. developing descriptions, explanations, and appropriate displays to communicate and defend data.

c. Within each content strand, students:

i. in physical science can apply and communicate knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science can apply and communicate knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science can apply and communicate abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment can apply and communicate the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands.

a. Eighth grade students performing at this level:

i. understand complex concepts/theories and communicate them;

ii. demonstrate an understanding of elements of the system;

iii. demonstrate understanding of models and diagrams;

iv. recognize various limits of science and its changes.

b. When given a problem, students can:

i. use a simple investigation and design an experiment;

ii. link ideas while collecting data;

iii. use mathematics and appropriate tools to design methods of display for the data; and

iv. draw conclusions from data.

c. Within each content strand, students:

i. in physical science can explain and connect knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science can explain and connect knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science can explain and connect abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment can explain and connect the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process in the five science content strands.

a. Eighth grade students performing at this level:

i. possess a fundamental knowledge of some theories and concepts;

ii. identify elements of a system and state one limiting factor when given a particular example;

iii. identify a simple model;

iv. begin to understand the nature of science; and

v. show an awareness that science is subject to change.

b. When given a problem, students at the basic level can:

i. design a simple investigation by asking appropriate questions;

ii. identify the important variables;

iii. select appropriate tools to gather data; and

iv. interpret basic data and communicate the conclusion.

c. Within each content strand, students:

i. in physical science demonstrate basic knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science demonstrate basic knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science demonstrate basic knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment demonstrate basic knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate minimal understanding of science concepts and process skills in the five science content strands.

a. Eighth grade students performing at the approaching basic level possess limited skills and knowledge of theories and concepts. Given the appropriate tools, they can:

i. identify related elements of a system;

ii. identify elements of a simple model; and

iii. show some awareness that science is developing and changing.

b. Given an investigation, students can:

i. answer specific scientific questions;

ii. identify at least one variable in an experiment; and

iii. seek and identify basic scientific data and communicate it.

c. Within each content strand, students:

i. in physical science demonstrate partial knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science demonstrate partial knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science demonstrate partial knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment demonstrate partial knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. Grade 8 Social Studies Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography The advanced student can:

i. apply extensive geographic knowledge, analytical concepts, and vocabulary;

ii. analyze spatial phenomena using a variety of sources with a variety of scales and show the relationship between them;

iii. use case studies for spatial analysis to develop maps and other graphics;

iv. differentiate between patterns of climate, vegetation, and population across the Earth's surface;

v. relate to the concept of region to specific places and explain how regions change over time due to a variety of factors;

vi. profile regions by using geographical concepts, tools, and skills.

b. Civics The advanced student can:

i. evaluate the importance of rules and laws, political parties, campaigns, and elections in the American political systems;

ii. weigh the impact of American ideas and actions on the world;

iii. compare and contrast positions relating to the rights of citizens.

c. Economics The advanced student can:

i. apply fundamental economic concepts;

ii. analyze the role of governmental policies in competitive markets;

iii. examine the reasons for worldwide interdependence based on historical and economic factors.

d. History The advanced student can:

i. evaluate historical patterns as they relate to specific events;

ii. make generalizations about historical topics using a variety of sources;

iii. develop an awareness of the political, social, and economic themes in history.

2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of social studies knowledge and skills in the four social studies content strands as indicated below.

a. Geography The mastery student can:

i. analyze a wide variety of physical and cultural features;

ii. apply a fundamental geographic vocabulary;

iii. compare information presented in different scales;

iv. use geographic tools to find and translate information into patterns;

v. evaluate how human activity effects environment;

vi. develop maps in order to interpret various patterns of trade and migration;

vii. solve location questions by integrating two or more sources.

b. Civics The mastery student can:

i. compare and contrast the relationship between a state constitution and the federal Constitution;

ii. analyze the ways in which political social conflict can be peacefully resolved;

iii. interpret the impact of the U.S. foreign policy on the world;

iv analyze ways in which citizens organize, monitor, and help to shape politics and government at various levels.

c. Economics The mastery student can:

i. apply fundamental economic concepts;

ii. apply the meaning of economic indicators and their role in economics;

iii. analyze various economic systems and their historical impact;

iv. evaluate the opportunity cost of economic decisions.

d. History The mastery student can:

i. recognize historical connections between people and events;

ii. distinguish between primary and secondary sources;

iii. incorporate geographic, technological, and other reference material;

iv. communicate ideas about historical themes with supporting evidence.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

a. Geography The basic student can:

i. utilize vocabulary of geographic concepts relating to patterns, relationships, distance, direction, scale, boundary, site, and situation;

ii. use latitude and longitude to solve fundamental location questions;

iii. identify continents, oceans, or selected countries and cities;

iv. use information obtained from geographic models to accurately answer questions;

v. explain the differences between maps/globes and read map scales;

vi. summarize a wide range of information using an atlas/almanac;

vii. illustrate relationships that exist between human/environment;

viii. show how physical habitat can influence human activity;

ix. define a region and identify its distinguishing characteristics;

x. demonstrate how the interaction between/among regions is related to movement of people, goods, services, and ideas.

b. Civics The basic student can:

i. explain the major purposes of government;

ii. identify and explain the meaning and importance of basic principles of American constitutional democracy as reflected in core documents;

iii. describe major foreign policy of the U.S.;

iv. describe the requirements of citizenship and naturalization in the U.S.

c. Economics The basic student can:

i. compare basic concepts and vocabulary terms related to economics;

ii. explain the causes and consequences of economic decision making;

iii. distinguish how specialization, skills, and knowledge affect the economic process;

iv. compare various economic systems and their historical impacts;

v. explain the role of supply and demand and its effects on production and distribution of goods and services.

d. History The basic student can:

i. identify and categorize a range of people, places, events, and documents in historical context;

ii. understand the impact of diverse cultures on American life;

iii. explain the significance of major historical events;

iv. explain the fundamental political ideas and institutions of American life and their historical origins.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography The approaching basic student can:

i. obtain information from geographic models;

ii. draw a variety of maps;

iii. memorize various geographic data;

iv. recognizes that human activity is affected by the environment.

b. Civics The approaching basic student can:

i. recognize types of government;

ii. identify the basic principles of American constitutional democracy;

iii. recognize a foreign policy issue;

iv. list the rights and responsibilities of American citizens.

c. Economics The approaching basic student can:

i. identify basic concepts and vocabulary terms related to economics;

ii. discuss how supply and demand affects the price of goods and services.

d. History The approaching basic student can:

i. identify historical people and places;

ii. develop an awareness of diverse cultures in America;

iii. name a variety of historical events;

iv. recognize the fundamental political ideas and institutions of American life.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter D. LEAP 21 Assessment Structure

§1141. Content Standards

A. The LEAP 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1143. English Language Arts Tests Structure

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The mode of writing assessed at a given grade (grade 4, narrative and descriptive; grade 8, narrative and expository) may change between assessment administrations. The writing session measures key aspects of English Language Arts standards 2 and 3.

a. Standard 2. Students write competently for a variety of purposes and audiences.

b. Standard 3. Students communicate using:

i. standard English grammar;

ii. usage;

iii. sentence structure;

iv. punctuation;

v. capitalization;

vi. spelling; and

vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 8, an essay question requires students to comprehend and respond to the content of at least two of the reading passages. Questions in this session measure key aspects of English Language Arts standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of English Language Arts standard 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1145. Mathematics Tests Structure

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

a. one to be completed without the aid of a calculator; and

b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 8 and three tasks for grade 4, all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1147. Science Tests Structure

A. The Science tests consist of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and processes of science, make meaning of a given set of data, or critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task. At grade 4, students are required to observe, utilize, and react to materials in an investigation and to draw conclusions based on their experiences. At grade 8, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not prevented from succeeding with latter portions of the

activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1149. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A, Session 1, consists of 50 multiple-choice test items for grade 4 and 60 multiple-choice items for grade 8 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (i.e., Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (e.g., grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand G Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

2. Strand C Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand E Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand H History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1151. Retests and Rescores

A. Double Jeopardy Rule. If a student scores at the required passing achievement level in LEAP 21 English Language Arts or Mathematics during an administration and then retakes the test and scores below the required level on the retest administration, the passing score will be used to determine promotion.

B. Rescores

1. Students may request a rescore if the following criterion are met.

a. English Language Arts and Mathematics Grade 4. The test has a scaled score five points below the Basic or Approaching Basic achievement level.

b. English Language Arts and Mathematics Grade 8. The test has a scaled score five points below the Approaching Basic achievement level.

2. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

3. Only rescores of tests from the most recent administration may be requested.

4. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

C. Summer Retest. The summer retest is for students enrolled in grades 4 and 8 who need to be tested with LEAP 21 for promotion to grades 5 and 9 the following fall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1153. Transfer Students

A. The following rules apply for transfer students who are Louisiana residents transferring into Louisiana public schools from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for transfer students in grade 4 or 8 or those who are seeking to enroll in grade 5 or 9 who have

never been in membership in a public school in Louisiana or who were in membership in Louisiana public schools and transferred out-of-state or who transferred from Louisiana nonpublic schools or from an approved home study program are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 English Language Arts and Mathematics (ELA/Math) tests.

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

c. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after the LEAP 21 summer administration and before school starts must take and pass the English Language Arts and Mathematics portions of the placement test.

d. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after school starts and before February 15 must take and pass the English Language Arts and Mathematics portions of the placement test.

B. The following rules apply for transfer students who were out-of-state residents but have become Louisiana residents.

1. Requirements for transfer students in grade 4 or 8 who have never been in membership in a public school in Louisiana or who were in membership in a Louisiana public school(s) and transferred out-of-state are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 (ELA/Math).

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1155. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement.

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 13. Graduation Exit Examination for the 21st Century

Subchapter A. General Provisions

§1301. Introduction

A. The GEE 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. This test measures how well a student has mastered the state content standards. The GEE 21 initially is administered at grades 10 and 11. Initial testers generally take the English Language Arts test and the Mathematics test at grade 10 and the Science test and Social Studies test at grade 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1)(c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. Achievement Levels and Performance Standards

§1311. Achievement Levels

A.1. The Louisiana achievement levels are:

a. Advanced;

b. Mastery (Exceeding the Standard);

c. Basic (Meeting the Standard);

d. Approaching Basic (Approaching the Standard); and

e. Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic, proficient, and advanced in English language arts and mathematics for NAEP.

B. Achievement Level Definitions

1. *Advanced* a student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery (formerly Proficient)* a student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic* a student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic* a student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory* a student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1313. Performance Standards

A. Performance standards for GEE 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

GEE 21 Achievement Levels and Scaled Score Ranges

Achievement Level	Grade 10	
	English Language Arts Scaled Score Range	Mathematics Scaled Score Range
Advanced	398–500	377–500
Mastery	347–397	346–376
Basic	299–346	305–345
Approaching Basic	270–298	286–304
Unsatisfactory	100–269	100–285

Achievement Level	Grade 11	
	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	396–500	386–500
Mastery	349–395	344–385
Basic	301–348	297–343
Approaching Basic	267–300	275–296
Unsatisfactory	100–266	100–274

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter C. GEE 21 Achievement Level Descriptors

§1323. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. They define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1325. Grade 10 Achievement Level Descriptors

A. Grade 10 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the areas of reading and use of resources, tenth grade students performing at the advanced level:

i. describe more abstract themes and ideas in the text;

ii. analyze different genres for meaning and form and support their analyses with specific examples from the text;

iii. extend the information from the text by relating it to their experiences and to the world; and

iv. select and evaluate a variety of information from various sources.

b. In the area of writing, tenth grade students at this level:

i. create an effective and elaborated response to a task in form, content, and language;

ii. show maturity and sophistication in analytical, critical, and creative thinking;

iii. have well-crafted, cohesive organization appropriate to the task;

iv. show sophisticated use of transitional elements;

v. use illustrative and varied supportive details;

vi. use rich, compelling language;

vii. reveal clear and established personal style or voice;

viii. display a variety of strategies such as anecdotes, repetition, and literary devices to support and develop ideas; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the areas of reading and use of resources, tenth grade students performing at the mastery level:

i. show an overall understanding of text that includes inferential as well as literal information;

ii. extend the ideas of the text in different genres by making inferences, drawing conclusions, and making clear connections (stated or implied) to their own personal experiences and other readings;

iii. analyze the author's use of literary devices; and

iv. select and analyze a variety of information from various sources.

b. In the area of writing, tenth grade students performing at the mastery level:

i. create an effective response to the task in form, content, and language;

ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;

iii. use convincing elaboration and development to clarify and enhance the central idea;

iv. have logical and observable organization appropriate to the task;

v. show effective use of transitional elements;

vi. reveal evidence of personal style or voice;

vii. use language appropriate to the task and intended audience; and

viii. recognize and correct errors in spelling, grammar, punctuation, and capitalization that interfere with communication in his/her own or other texts.

3. Basic

a. In the areas of reading and use of resources, tenth grade students performing at the basic level:

i. demonstrate an overall understanding and make some interpretations of the text;

ii. identify aspects of text in different genres and relate aspects of text to overall meaning;

iii. extend ideas in the text by making simple inferences, recognize interpretations, make connections among and relate ideas in the text to their personal experiences, and draw conclusions;

iv. identify elements of an author's style; and

v. select and use a variety of information from various sources.

b. In the area of writing, tenth grade students at the basic level:

i. demonstrate an appropriate response to a task in form, content, and language;

ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;

iii. show evidence of conscious organization;

iv. use supportive details;

v. reveal developing personal style or voice; and

vi. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

4. Approaching Basic

a. In the areas of reading and use of resources, tenth grade students performing at the approaching basic level:

i. demonstrate a partial understanding of text;

ii. identify some aspects of text for meaning;

iii. make simple or broad connections to personal experiences; and

iv. recognize a variety of information sources.

b. In the area of writing, tenth grade students at the approaching basic level:

i. demonstrate partial responses to tasks in form, content, and language;

ii. show some evidence of conscious organization;

iii. use few supporting details; and

iv. demonstrate limited command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 10 Mathematics Achievement Level Descriptors

1. Advanced. Tenth grade students performing at the advanced level consistently demonstrate the integration of procedural and conceptual knowledge and the synthesis of ideas in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. understand the function concept and are able to communicate and apply the numeric, algebraic and graphical properties of functions;

b. apply their knowledge of algebra, geometry, and statistics to solve problems in more advanced areas of continuous and discrete mathematics;

c. formulate generalizations and create models through probing examples and counter examples; and

d. communicate their mathematical reasoning through the clear, concise, and correct use of mathematical symbolism and logical thinking.

2. Mastery. Tenth grade students performing at the mastery level consistently apply mathematical concepts and procedures to the solutions of complex problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. demonstrate an understanding of algebraic, statistical, and geometric and spatial reasoning;

b. simplify algebraic expressions; justify geometric relationships; and judge and defend the reasonableness of answers as applied to real-world situations;

c. analyze and interpret data in various forms;

d. understand and use elements of the linear function concept in symbolic, graphical, and tabular form; and

e. make conjectures, defend ideas, and give supporting examples.

3. Basic. Tenth grade students performing at the basic level demonstrate procedural and conceptual knowledge in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. use estimation to verify solutions and determine the reasonableness of results as applied to routine real-world problems;

b. use algebraic and geometric reasoning strategies to solve problems;

c. recognize relationships presented in verbal, algebraic, tabular, and graphical forms; and demonstrate knowledge of geometric relationships and corresponding measurement skills;

d. apply statistical reasoning in the organization and display of data and in reading tables and graphs;

e. generalize from patterns and examples in the areas of algebra, geometry, and statistics;

f. use correct mathematical language and symbols to communicate mathematical relationships and reasoning processes; and

g. use calculators appropriately to solve problems.

4. Approaching Basic. Tenth grade students performing at the approaching basic level partially demonstrate fundamental knowledge and skills in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

a. use estimation and measurement to verify solutions and determine the reasonableness of results as applied to routine real-world problems;

b. show limited use of fundamental algebraic, geometric, and statistical reasoning in problem solving;

c. interpret data presented in various forms;

d. show limited skills in communicating mathematically; and

e. are inconsistent in the application of conceptual knowledge.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1327. Grade 11 Achievement Level Descriptors

A. Grade 11 Science Achievement Level Descriptors

1. Advanced. Eleventh grade students performing at the advanced level demonstrate an in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

a. Eleventh grade students performing at the advanced level:

i. have a qualitative and quantitative grasp of scientific principles, relating them to one another and to other phenomena, and being aware of their development and limitations;

ii. are able to formulate scientific questions, compare different experimental designs, devise experimentally valid protocols to answer their questions;

iii. collect the relevant quantitative and qualitative data using appropriate instrumentation; and

iv. provide a scientifically valid interpretation of the data they collect.

b. Advanced students:

i. engage in self-assessment;

ii. discard unnecessary data;

iii. recognize gaps in information;

iv. know where to locate needed information in primary or secondary sources; and

v. communicate their ideas, interpolating, extrapolating, and interpreting patterns of change in graphic and symbolic representations.

c. With inquiry as the core, students at the advanced level demonstrate an understanding that unifying concepts and processes can be applied throughout the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

2. Mastery. Eleventh grade students performing at the mastery level consistently demonstrate mastery and application of science concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level:

i. grasp scientific principles on both a qualitative and quantitative basis;

ii. understand that scientific knowledge is tentative and subject to change;

iii. identify more than one way to solve a given problem and select the method with the most promise;

iv. manipulate data through various mathematical models;

v. integrate several abstract facts in order to understand overarching scientific principles; and

vi. apply those principles to human activities.

b. With inquiry as the core, students at the mastery level will identify unifying concepts and processes among the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

3. Basic. Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process skills in the five Louisiana science content strands.

a. Eleventh grade students performing at this level can:

i. formulate valid hypotheses;

ii. design a simple experiment;

iii. draw appropriate conclusions;

iv. develop inferences from experimentation and apply that information to new situations;

v. distinguish scientific principles from pseudoscience; and

vi. apply scientific principles to their everyday lives.

b. With inquiry as the core, students begin to identify unifying concepts and processes among the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

4. Approaching Basic. Eleventh grade students performing at the approaching basic level demonstrate minimal knowledge of scientific concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level know and understand fundamental science facts and concepts concerning the world.

b. When presented with a problem, students can conduct a simple experiment that includes:

i. making observations;

ii. forming a reasonable hypothesis;

iii. identifying variables;

iv. collecting, displaying, and interpreting data; and

v. drawing conclusions.

c. These skills should be demonstrated through the science disciplines:

i. physical;

ii. life;

iii. Earth/space; and

iv. environmental sciences.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 11 Social Studies Achievement Level Descriptors

1. Advanced. Eleventh grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. Geography The advanced student can:

i. organize geographical data;

ii. analyze physical structure of the planet; and

iii. evaluate the spatial relationship between humans and their environment.

b. Civics The advanced student can:

i. compare and contrast structure and purpose of government;

ii. interpret and evaluate foundations of American political system;

iii. analyze international relationships; and

iv. evaluate roles of citizens.

c. Economics The advanced student can:

i. apply fundamental economic concepts;

ii. evaluate decisions made by consumers; and

iii. evaluate U.S. fiscal and monetary policies.

d. History The advanced student can:

i. analyze continuity and change;

ii. analyze the people, places, events, ideas, and documents;

iii. evaluate relevant experiences from the past to critique understanding of contemporary issues; and

iv. evaluate the role of evidence in making an historical argument.

2. Mastery. Eleventh grade students performing at the mastery level demonstrate mastery and application of social

studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography The mastery student can:

i. classify geographical data;

ii. examine the physical structure of the planet; and

iii. compare spatial relationships between humans and their environment.

b. Civics The mastery student can:

i. examine the structure and purpose of government;

ii. discuss the foundation of the American political system;

iii. interpret international relationships; and

iv. examine the role of citizens.

c. Economics The mastery student can:

i. analyze fundamental economic concepts;

ii. discuss decisions made by consumers, businesses, and government; and

iii. analyze U.S. fiscal and monetary policies.

d. History The mastery student can:

i. examine the role of continuity of and change in history;

ii. examine the significance of people, places, events, ideas, and documents in history;

iii. analyze relevant experience from the past to apply understanding of contemporary issues; and

iv. analyze the role of evidence in making an historical argument.

3. Basic. Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography The basic student can:

i. interpret geographical data;

ii. describe the basic physical structure of the planet; and

iii. explain the spatial relationships between humans and their environment.

b. Civics The basic student can:

i. explain structure and purposes of government;

ii. describe foundations of American political system;

iii. explain international relationships; and

iv. discuss roles of citizens.

c. Economics The basic student can:

i. discuss fundamental economic concepts;

ii. explain decisions made by consumers, businesses, and government; and

iii. explain U.S. fiscal policy.

d. History The basic student can:

i. describe continuity and change;

ii. describe the significance of people, places, events, ideas, and documents;

iii. examine relevant experiences from the past to demonstrate understanding of contemporary issues; and

iv. explain the role of evidence in making an historical argument.

4. Approaching Basic. Eleventh grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography—The approaching basic student can:

i. identify geographical data;

ii. recognize physical structure of the planet; and

iii. state the spatial relationships between humans and their environment.

b. Civics—The approaching basic student can:

i. identify the structure and purposes of government;

ii. recognize the foundations of the American political system;

iii. identify international relationships; and

iv. identify the role of citizens.

c. Economics—The approaching basic student can:

i. identify fundamental economic concepts;

ii. identify decisions made by consumers, businesses, and government; and

iii. identify U.S. fiscal and monetary policies.

d. History—The approaching basic student can:

i. recognize continuity and change;

ii. recognize the significance of people, places, events, ideas, and documents;

iii. identify relevant experiences from the past to describe understanding of contemporary issues; and

iv. recognize the role of evidence in making a historical argument.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Subchapter D. GEE 21 Assessment Structure

§1335. Content Standards

A. The GEE 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1337. English Language Arts Tests Structure

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The particular mode of writing assessed at a given grade (grade 10, persuasive and expository) may change between assessment administrations. The Writing session measures key aspects of English Language Arts standards 2 and 3.

a. Standard 2. Students write competently for a variety of purposes and audiences.

b. Standard 3. Students communicate using:

i. standard English grammar;

ii. usage;

iii. sentence structure;

iv. punctuation;

v. capitalization;

vi. spelling; and

vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 10, an essay question requires students to comprehend and respond to the content of at least two of the reading passages. Questions in this session measure key aspects of standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade.

i. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of standard 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1339. Mathematics Tests Structure

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

a. one to be completed without the aid of a calculator; and

b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 10, all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1341. Science Test Structure

A. The Science test consists of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and processes of science, make meaning of a given set of data, or

critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task. At grade 11, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand, at grade 11, Physical Science and Life Science only. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not prevented from succeeding with latter portions of the activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1343. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A consists of 60 multiple-choice items for grade 11 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand G Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

2. Strand C Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand E Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand H History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1345. Double Jeopardy Rule

A. If a school administers a GEE 21 test that the student has already passed and the student scores unsatisfactory on the retest, the passing score will be used to determine the student's eligibility for a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1347. First and Second Cohorts

A. The first cohort comprises students who were first-time tenth graders in 2000–2001. First cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test to be eligible for a standard high school diploma.

B. The second cohort comprises students who were first-time tenth graders in 2001–2002 and all first-time tenth graders thereafter. Second cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test and to score approaching basic or above on either the GEE 21 Science or Social Studies test to be eligible for a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1349. Rescores

A. Students may request a rescore of their GEE 21 tests if the following criterion are met.

1. English Language Arts and Mathematics. The test has a scaled score five points below the Approaching Basic achievement level.

2. Science and Social Studies. The test has a scaled score five points below the Approaching Basic achievement level.

3. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the school district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

4. Only rescores of tests from the most recent administration may be requested.

5. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1351. GEE 21 Administration Rules

A. Students enrolled in grade 10 for the first time must take GEE 21 English Language Arts and Mathematics tests during the spring administration.

B. Students repeating grade 10 shall take the GEE 21 Science and Social Studies tests during the spring administration.

C. Students enrolled in grade 11 for the first time must take GEE 21 Science and Social Studies tests during the spring administration.

D. Students enrolled in grade 11 shall take Science and Social Studies tests unless the student was enrolled in grade 11 for two years.

E. Students promoted from grade 9 to grade 11 may take English Language Arts and Mathematics tests during the fall retest administration and then take the Science and Social Studies tests during the subsequent spring administration.

F. Students in block schedules who are classified as tenth graders in the fall of their second year and as eleventh graders by the subsequent spring test administration are permitted to take all GEE 21 content-area tests: English Language Arts, Mathematics, Science, and Social Studies, for the first time during that spring test administration.

G. If students enrolled in grade 12 have not yet met the GEE 21 requirements to be eligible for a standard high school diploma, they may take all content-area tests: English Language Arts, Mathematics, Science, and Social Studies, during both the fall and the February Seniors Only retest administrations.

H. If students enrolled in grade 11 in the fall are promoted to grade 12 by January, they may take all content-area tests, English Language Arts, Mathematics, Science, and Social Studies, during the February Seniors Only retest administration.

I. If students enrolled in grade 12 are unable to retest during the February Seniors Only retest administration, they should retest during the spring administration.

J. There is no ending age limit for students to retest in GEE 21, nor is there a limit on the number of times the student may retake the test. Students who no longer reside in the school district where he/she completed Carnegie units may test in the current school district of residence. The DTC shall forward the passing test scores to the high school where the Carnegie units reside.

K. If a student was issued a GED diploma and subsequently meets the requirements of the GEE 21, the student may surrender the GED diploma and be issued a standard high school diploma.

L. If students are transferring to a public high school from a nonpublic high school that administers the GEE 21, the rules for nonpublic transfer students apply.

M. When administrative errors are made in testing, the state superintendent of education may determine how to remedy the error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1353. Summer Retest Administration

A. Students who were enrolled in grades 10 and 11 for the first time during the spring test administration and did not score approaching basic in the required GEE 21 tests are eligible for the summer retest administration.

B. Students who were enrolled in grades 10 and 11 in public schools for the first time during the spring test administration but who were absent during testing are eligible for the summer retest administration.

C. Students who enrolled in and attended grades 10 and 11 after the spring test administration and before the close of the regular academic year are eligible for the summer retest administration.

D. Students who enroll in grades 10 and 11 after the close of the regular academic year but did not attend public schools during the academic year are not eligible for the summer retest administration. They must test during the fall retest administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1355. GEE 21 Transfer Students

A. The following rules apply for transfer students who are Louisiana residents transferring into the Louisiana public school district from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state schools, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1999-2000 school year and thereafter and who transferred to a Louisiana public school at or below the ninth grade shall take and pass the English Language Arts and Mathematics sections and either the Science or the Social Studies test of GEE 21.

b. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a tenth grade student shall take and pass the English Language Arts and Mathematics tests and either the Science or the Social Studies test of GEE 21.

c. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

d. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a twelfth grade student shall not be required to take any part of the GEE 21.

2. Requirements for students who were in membership in Louisiana public schools, transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades K through 6 shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

ii. A student who returns in the ninth grade shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iii. A student who returns and is classified as a tenth grade student shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iv. A student who returns and is classified as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

v. A student who returns and is classified as a twelfth grade student shall not be required to take any part of the GEE 21.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grade for a period of 160 days total, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

c. A student who was in initial membership in Louisiana public schools as a ninth grade student, transferred out, and subsequently returned at any grade level shall be required to take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

d. A student who was in initial membership in Louisiana public schools as a tenth grade student, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

e. A student who was in initial membership in Louisiana public schools as an eleventh grade student, transferred out, and subsequently returned at the eleventh- or twelfth-grade level shall take and pass either the Science or the Social Studies test of the GEE 21.

f. A student who was in initial membership in Louisiana public schools as a twelfth grade student, transferred out, and subsequently returned as a twelfth grader shall not be required to take any part of the GEE 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1357. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. district and school code;
7. entry date; and
8. grade placement

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE).

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 15. Norm-Referenced Tests

§1501. Description

A. The Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) was established in 1986 as a component of LEAP. The primary goal of the program is to provide parents, students, educators, and policymakers with normative data that may be used for evaluating student, school, and district performance. Test results are used by teachers and administrators to plan instructional programs that enhance educational opportunities for Louisiana students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 17. Integrated LEAP for the 21st Century

§1701. Background

A. The NCLB Act requires the development of grade-level expectations (GLEs) or grade-level content standards at grades 3 through 8 for reading and mathematics. Louisiana has supplemented its existing content standards with grade-level expectations. To create a comprehensive system, Louisiana has developed GLEs in four content areas English language arts, mathematics, science, and social studies for grade levels prekindergarten through 12. NCLB further requires standards-based tests (or augmented norm-referenced tests) that measure the content standards. LEAP 21 (grades 4 and 8) and GEE 21 (grades 10 and 11) measure the content standards, and these tests will continue. To measure the standards and GLEs at grades 3, 5, 6, 7, and 9, however, the Integrated LEAP for the 21st Century (*i*LEAP) tests will be used, beginning in spring 2006. The *i*LEAP tests will replace The Iowa Tests, which were used to evaluate student performance in grades 3, 5, 6, 7, and 9 from

spring 1998 to spring 2005. The term *integrated* refers to the integration of standards-based tests (CRTs) and norm-referenced tests (NRTs) into one program.

B. Basic Test Design. All *i*LEAP tests are aligned to the GLEs, and student performance on the content standards is the primary reporting scheme. On each test English Language Arts, Mathematics, Science, and Social Studies student performance will be reported in terms of achievement level:

1. Advanced;
2. Mastery;
3. Basic;
4. Approaching Basic; or
5. Unsatisfactory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4 (F) (2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 19. LEAP Alternate Assessment

§1901. General Provisions

A. The LEAP Alternate Assessment (LAA) is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. It is an "on-demand" assessment; the test administrator directs the student to perform a specific task and then scores the performance after the task is completed. The LAA is designed to minimize time away from instruction and direct services to students. Teachers are encouraged to administer the assessment as part of a daily routine.

B. Definitions

Alternate Assessment a substitute approach used in gathering information on the performance of students who do not participate in typical state assessments. (from Alternate Assessment Resource Matrix [CCSSO, SCASS-ASES, 1999]).

Target Indicators represent the Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood.

C. Structure of LAA. The LAA is based on selected Louisiana content standards. It includes 20 target indicators from the standards, five from English language arts, five from mathematics, six from social studies, and four from science. Each target indicator includes participation levels, which reflect three different levels of skill complexity: introductory, fundamental, and comprehensive. A 6-point scoring rubric provides descriptors for evaluating student performance on each of the target indicators.

D. Participation Levels

1. Introductory (I) skills that require basic processing of information to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

2. Fundamental (F) skills that require simple decision making to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

3. Comprehensive (C) skills that require higher-order thinking and information-processing skills that are related to the content standards regardless of the age or grade level of the student.

E. Scoring. The scoring rubric for the LAA is based on 6 point levels:

0 no performance (at introductory level only);
1 tolerates engagement or attempts engagement;
2 performs skill in response to a prompt;
3 performs skill independently without a prompt;
4 performs skill independently without prompts for different purposes or in multiple settings;
5 performs skill independently without prompts for different purposes and in multiple settings.

F. Students receive higher points for attempting performance than they do for no performance of the example skill. A score point of 3 is awarded for performances that are completed independently. Students who perform a task for more than one purpose or in more than one setting receive a higher score. Those who generalize their skills or apply their skills for different purposes and in a variety of settings receive the highest scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 21. National Assessment of Educational Progress

§2101. General Provisions

A. NAEP, also known as the "Nation's Report Card," reports its results from jurisdictions around the country. NAEP uses a random stratified sample to select school districts, schools within those districts, and students within those schools. The testing window for NAEP is January through March.

B. NAEP is authorized to measure and report on academic achievement by carrying out a national assessment, state assessment, and a long-term trend assessment in reading and mathematics.

C. The NAEP test contractor handles all aspects of NAEP testing including distribution and collection of all test materials. The testing process involves about 60 minutes of assessment in one subject (mathematics, science, or reading). Results are reported within six months.

D. Participation in NAEP

1. In 1990, the NAEP assessments became a part of the LEAP, with state statute R.S. 17:24.4, making participation in NAEP mandatory for Louisiana schools. Additionally, the NCLB Act mandates schools' participation. Participation in NAEP is a requirement for states and school districts receiving Title I grants.

2. District superintendents and school principals are notified of their selection for the NAEP testing process in early fall. Parents of students are then notified and asked to grant permission for the students to participate. Individual student participation is not mandatory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2103. Inclusions and Accommodations

A. The NAEP assessment includes students with disabilities and limited English proficient students.

B. Schools may exclude students with disabilities according to the following NAEP designed criteria:

1. the student's IEP team determines that the student cannot participate;

2. the student's cognitive functioning is so severely impaired that she or he cannot participate; or

3. the student's IEP requires that the student be tested with an accommodation or adaptation that NAEP does not allow.

C. Accommodations

1. Students who need accommodations receive such aids as:

a. extra testing time;

b. individual or small group administration;

c. large-print booklets;

d. multiple testing sessions.

2. Accommodations do not include reading passages or questions aloud for the reading assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (A) (1).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 23. English Language Development Assessment (ELDA)

§2301. Description

A. The NCLB of 2002 Title III (20 USCS §6301 et seq.) requires standards-based assessment of the progress of all LEP students enrolled in grades kindergarten through 12 in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English. ELDA was field-tested in spring 2004 and will be implemented in spring 2005. ELDA is composed of untimed tests in four grade clusters (kindergarten-2, 3-5, 6-8, 9-12) of four language domains (reading, writing, listening, and speaking). It assesses both academic and school/social environment language of students from beginning to full English proficient performance levels in each of the domains and grade clusters.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 25. Field Testing

§2501. General Provisions

A. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. In Louisiana, test items are developed and field tests conducted for the following assessments:

1. Louisiana Educational Assessment Program for the 21st Century (LEAP 21);

2. Graduation Exit Examination for the 21st Century (GEE 21);

3. Integrated LEAP (*i*LEAP).

B. LEAP 21 and GEE 21 field tests are conducted annually in designated content areas.

C. Participation

1. Schools selected for any of the Louisiana field tests must participate. This ensures the test data are representative of the state's student population for the grade level being assessed.

2. Selection of schools for the field test is based on several demographic factors. The sampling plan includes the following criteria:

a. sample from every school district;

b. to the extent possible, schools shall be selected that are representative of the schools in the state in:

i. academic achievement level;

ii. percent of minorities;

iii. percent of students receiving free/reduced lunch;

iv. percent of students classified as special education;

v. LEP, and Section 504, and school size;

c. select no schools with fewer than 10 students;

d. generally select no schools that are participating in NAEP;

e. select no private schools;

f. in general, any given school should only:

i. participate in one grade;

ii. administer one content area;

iii. administer only one test form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2503. Field Test Administration

A. The same test security procedures and test administration rules used for operational (regular) testing apply to field tests. District and school personnel must adhere to the test security policy and to all directions in the field test administration manuals. Schools will be monitored to ensure that administrative and security procedures are followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 27. Placement Tests

§2701. Administration and Scoring

A. Placement tests for fourth grade and eighth grade public school students are shipped to district test coordinators in late July and are to be returned to the testing contractor after February 15 each year.

B. Students who participate in the spring and/or summer administration of LEAP 21 test and fail to score at the required achievement level(s) are not eligible to take The Iowa Tests for placement purposes.

C. Charter schools and laboratory schools must secure placement tests from the testing contractor. These schools call the contractor directly and order placement tests for incoming students between July and February.

D. District test coordinators score the placement tests for students taking the tests in the public school districts. The LDE, Division of Student Standards and Assessments, scores all placement tests administered by charter schools and laboratory schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2703. Security

A. Testing masks and all testing materials must be kept in a designated locked and secure area.

B. All secure test materials are to be handled in accordance with the SBESE Test Security Policy.

C. District test coordinators and test administrators are required to sign a security agreement prior to test administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 29. Graduation Exit Examination ("Old" GEE)

§2901. General Provisions

A. The "Old" GEE measures curricula-based proficiencies in language arts, mathematics, written composition, science, and social studies. The first statewide administration of the GEE was in the spring of 1989, and the last statewide administration was in the summer of 2003. The testing program then became the responsibility of the school districts, with the tests to be administered by the district test coordinators.

B. District test coordinators have received from the LDE a CD containing the tests, answer folders, scoring keys, and conversion tables. Copies of braille and large-print tests may be requested from the LDE, Division of Student Standards and Assessments, Assessment Administration Section.

C. The GEE tests are to be administered by the district test coordinators each year in October and April, as indicated on the official SBESE testing schedule, to former high school students who have earned Carnegie units but still need to pass the GEE to earn a high school diploma. Students are required to take only those parts of the GEE in which they did not attain the required performance standards.

D. All students who were enrolled in tenth grade during the spring of 1989 through the spring of 2000 can be administered the test twice a year. There is no age limit for students who request a retest with GEE, nor is there a limit on the number of times the student may retake the test.

E. If the student was issued a GED and later passes the GEE, the student may surrender the GED diploma and be issued a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2903. Performance Standards

A. Performance standards for the GEE Language Arts, Mathematics, Written Composition, Science, and Social Studies tests are finalized in scaled-score form.

	Performance Standard	Scaled Score Range
Language Arts	1053	1000–1097
Mathematics	1048	1000–1097
Written Composition	1047	1018–1072
Science	1042	1000–1093
Social Studies	1041	1000–1093

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2905. Transfer Students

A. These rules apply to students who were enrolled as sophomores during the 1988-1989 through 1999-2000 academic years.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1987-1988 school year and thereafter, and who transferred to a Louisiana public school at or below the ninth grade shall take and pass all parts of the GEE.

b. A student who entered ninth grade in 1987–1988 and thereafter, and who is classified by the local school district as a tenth grader shall take and pass all parts of the GEE.

c. A student who entered ninth grade in 1987–1988 and thereafter and who is classified by the local school district as an eleventh grader shall take and pass the science and social studies parts of the GEE.

d. A student who entered ninth grade in 1987–1988 and thereafter and who is classified by the local school district as a twelfth grader shall not be required to take any part of the GEE.

2. Requirements for students who were in membership in a Louisiana public school(s), transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades kindergarten through 6 and who transferred out and subsequently returned shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass all parts of GEE.

ii. A student who returns in the ninth grade shall be required to take and pass all parts of the GEE.

iii. A student who returns and is classified as a tenth grader shall be required to take and pass all parts of the GEE.

iv. A student who returns and is classified as an eleventh grader shall be required to take and pass the science and social studies parts of the GEE.

v. A student who returns and is classified as a twelfth grader shall not be required to take any part of the GEE.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grades for a period of 160 days total and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

c. A student who was in initial membership in Louisiana public schools as a ninth grader and who then transferred out and subsequently returned at any grade level, shall be required to take and pass all parts of the GEE.

d. A student who was in initial membership in Louisiana public schools as a tenth grader and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

e. A student who was in initial membership in Louisiana public schools as an eleventh grader and who then transferred out and subsequently returned at the eleventh or twelfth grade level shall take and pass the science and social studies parts of the GEE.

f. A student who was in initial membership in Louisiana public schools as a twelfth grader and who then transferred out and subsequently returned as a twelfth grader shall not be required to take any part of the GEE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 and R. S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2907. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE).

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 31. Louisiana Alternate Assessment-B

§3101. Special Education Needs

A. To accommodate the needs of Louisiana students in special education, the SBESE mandated that the Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) provide the Louisiana Alternate Assessment-B (LAA-B) testing component, referred to as "out-of-level," beginning in spring 2000. Spring 2003 was the fourth and final year of the LAA-B testing program.

B. The program provided data for evaluating student, school, and district performance. Teachers and administrators could use test results to plan instructional programs.

C. Students enrolled in grades 3 through 8 who met specific criteria for LAA-B took the Complete Battery of the Iowa Tests of Basic Skills at the appropriate level(s). LAA-B students in grade 9 or in the Options (PreGED/Skills) Program took either the Complete Battery of the Iowa Tests of Basic Skills or the Complete Battery of the Iowa Tests of Educational Development at their functioning grade levels in reading, language, and/or mathematics. Some students may have taken both the ITBS and the ITED.

D. The LAA-B is no longer administered in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 33. Assessment of Special Populations

§3301. Participation

A. The following classifications of special populations students must be tested in statewide assessments:

1. special education students;
2. students with one or more disabilities according to Section 504; and
3. LEP students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3303. Special Education Students

A. All special education students must participate in statewide assessments. Students are to take the test that corresponds to the grade in which they are enrolled. Special education students who meet specific criteria and whose Individualized Education Plans (IEPs) indicate they will participate in an alternate assessment may participate in an alternate assessment, such as the LEAP Alternate Assessment (LAA). The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

1. Individualized Education Plan. According to the 1997 amendments to the Individual with Disabilities Education Act (IDEA), accommodations are provided in regular classroom instruction based on a student's needs and are documented in the student's IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3305. Students with One or More Disabilities According to Section 504

A. All students with one or more disabilities according to Section 504 are to be tested. Test accommodations are permitted for these students provided they are used in the students' regular classroom instruction and assessment and provided the other conditions specified in the Administrative Guidelines for Students with Disabilities According to Section 504 of the Rehabilitation Act of 1973 are met. An IAP must not be developed solely for the provision of accommodations on statewide assessments.

1. The LDE defines a student with one or more disabilities according to Section 504 as derived from the regulations for Section 504 of the Rehabilitation Act of 1973.

B. Conditions for Eligibility for Test Accommodations as a Section 504 Student

1. The student has a disability that has been identified by a group of knowledgeable individuals whose credentials are appropriate to the disability and the disability is recognized by the Section 504 committee as being consistent with Section 504 of the Rehabilitation Act of 1973.

2. The student must undergo an annual review by the Section 504 Committee and a Testing Accommodation Verification form must be completed for each newly identified student or for each student whose accommodations have changed since his or her last test administration.

a. The Testing Accommodation Verification form identifies students with disabilities as defined by the Rehabilitation Act of 1973 and the ADA. The form also must be used to document accommodations for qualified Section 504 students. School districts are responsible for completing the form once a student's eligibility has been determined.

b. Signatures. Duplicate signatures are not acceptable on the Testing Accommodation Verification form.

Signature lines with an asterisk must be original signatures. The parent and student signatures are optional, but it is considered best practice to obtain these. The district Section 504 coordinator's signature is required only if the student will require accommodations on statewide assessment.

c. The completed form must be submitted with a copy of the student's IAP to the district Section 504 coordinator by the date designated by the district.

3. The student has had accommodations routinely provided as part of his or her ongoing classroom instruction and assessment, as recommended by the Section 504 Committee and as documented on the student's IAP.

4. Documentation for how the student meets the definition of substantially limited in Section 1630.2 of the Americans with Disabilities Act (ADA) of 1990 must be on file at the school.

C. Documentation. Documentation with evaluation results from the School Building Level Committee (SBLC) and/or the Section 504 team must be kept on file and be available to the LEAP Data Validation Committee upon request. Documentation/evaluation samples may include:

1. a summary of the doctor's report or diagnosis;
2. informal assessments and teacher observations;
3. curriculum-based assessments;
4. formal assessments such as:
   a. WRAT-3;
   b. Slosson;
   c. Brigance;
   d. OWLS;
   e. TOLD-3;
   f. KBIT;
   g. GORT-3;
   h. KTEA(Brief);
   i. Test of Reading Comprehension-3;
   j. DRA;
   k. TOWL-3 Test of Problem Solving; and
   l. PIAT.

D. Individualized Healthcare Plans. If a Section 504 student requires medical procedures that will prevent him or her from participating in a statewide assessment, individualized healthcare plans must be attached to the Section 504 Testing Accommodation Verification form.

E. Forms Management

1. Submission. The Section 504 Testing Accommodation Verification form must be completed and submitted, along with a copy of the student's IAP and the LEAP Data Validation form, to the district Section 504 coordinator by the district-designated date. The district Section 504 coordinator should establish the deadline for collection of the forms early enough to ensure time for review before submitting them to the LDE. School districts should contact the district Section 504 coordinator regarding the deadline. The LEAP Data Validation forms and Section 504 Testing Accommodation Verification forms should be submitted to the LDE by December 17.

2. Review. The Section 504 Testing Accommodation Verification forms and IAPs will be reviewed by a committee of LDE employees and Section 504 Statewide Task Force members for any possible testing irregularities, including potential violations of test security; appropriateness; and required information that substantiates the accommodations provided during assessment. Reviews will be scheduled throughout the month of January, to be completed by January 30. District Section 504 coordinators will be notified concerning the place and time of review for their districts.

3. Extenuating Circumstances. The extenuating circumstances that will be considered for reviewing Section 504 Testing Accommodation Verification forms submitted after the deadline and/or after the established review period:

a. a student is in the process of transferring from state to state or parish to parish;

b. a student has a temporary illness or injury that is substantially limiting and will prevent him or her from having an equal opportunity on and access to statewide assessments.

F. Gifted or Talented Students with a Qualified Disability. For students who are classified as gifted or talented students and who have a qualified disability under Section 504, a Section 504 IAP and a Section 504 Testing Accommodation Verification form must be attached to the student's IEP.

G. LEAP 21 Summer Retest and GEE 21 Summer, Fall, and February Seniors Only Retest. Students who were identified as Section 504 or who had accommodations added to their Section 504 IAP and Section 504 Testing Accommodation Verification forms after the spring assessment must be submitted on the LEAP Data Validation form to LDE 30 days before the summer or fall retest. The Section 504 Testing Accommodation Verification form and a copy of the IAP must be forwarded to the student's summer remediation and summer or fall testing site to ensure the student receives the appropriate accommodations for instruction and assessment.

H. GEE 21 and "Old" GEE. Students who have completed their Carnegie units but are no longer enrolled in school should receive the accommodations documented on their last IEP and Section 504 Testing Accommodation Verification forms.

I. Test Accommodations

1. Definition

Accommodation—a change in the test administration environment, timing, scheduling, presentation format, and/or method of response to the assessment.

2. Purpose of Accommodations. Test accommodations are provided to minimize the effects of a disability to ensure that a student can demonstrate the degree of achievement he or she actually possesses. Not all students with disabilities will need test accommodations, but many will need them to provide a valid and accurate measure of their abilities. The goal in using accommodations is to give students with disabilities an equal opportunity in assessment, not to give students with disabilities an unfair advantage over other students or to subvert or invalidate the purpose of the tests. The accommodation should allow the test score to reflect the student's proficiency in the area tested without the interference of his or her disability.

3. General Guidelines

a. Test accommodations should not be different from, or in addition to, the accommodations provided in the classroom during instruction and assessment and as indicated on the student's IEP or Section 504 IAP. According to the 1997 amendments to IDEA, accommodations for administration of general statewide and districtwide

assessments must be based on each student's needs, as documented in the student's IEP. If an accommodation, even an accommodation listed on a student's IEP or IAP, is not provided in classroom instruction or assessment, it is inappropriate to provide that accommodation during testing.

b. Selection of appropriate test accommodations should be based on a review of a student's current instructional and classroom assessment accommodations and a clear understanding of the test format and what it measures. This information should determine which accommodations enable the student to demonstrate best what he or she knows and can do.

c. The accommodations must never compromise the purpose of the test. For example, a test that measures reading comprehension cannot be read aloud to a student. To do so would destroy the purpose of the test, which is to measure reading comprehension.

d. Individual or small group administration must be used if the accommodations will interfere with the testing of other students, e.g., tests read aloud.

e. All provided accommodations must be marked on student answer documents as instructed in the appropriate test manual.

f. Accommodations must not compromise test security or confidentiality. Any assistance in test administration must not give away the answers. All conditions that pertain to test security and return of test materials after the test is administered apply to tests that are administered with accommodations. All test manual instructions relating to handling nontraditional secure materials for accommodations must be followed precisely.

4. Approved Accommodations for Special Education and Section 504 Students. The following accommodations, if used in classroom instruction and assessment and specified on a student's IEP or IAP and Section 504 Testing Accommodation Verification form, may be used for testing.

a. Braille. Braille editions of the test are provided for students who are proficient in this mode of access to written material. The regular print edition may be modified in braille. Supplementary test administration instructions and manipulatives are provided as needed. All responses must be transferred to the scorable answer document.

b. Large Print. Large-print editions may be used by students who use large print as an accommodation in classroom instruction and assessment. Large-print editions contain all test items that are in the regular edition. Essentially the large-print edition is an enlarged version of the regular-print edition, though the layout may vary slightly so as not to make the document more difficult for a student to use. All responses must be transferred to the scorable answer document.

c. Answers Recorded. If a student is unable due to his/her disability to write, provisions the test administrator must record the student's answers on the scorable answer document. Scribes and others supporting a student's test taking must be neutral in responding to the student during test administration. Assistance in test administration must not give away the answers. The student's responses must accurately represent the student's own choices. If a scribe is used for a writing topic, the scribe must write exactly what the student dictates without punctuation or capitalization. The student then must edit what the scribe wrote and provide punctuation and capitalization or any other changes.

d. Assistive Technology. Assistive technology can include, but is not limited to a:

i. computer;
ii. tape recorder;
iii. calculator;
iv. abacus;
v. grip for a pencil;
vi. visual magnification device;
vii. communication device;
viii. mask or marker to maintain place;
ix. speech synthesizer; and
x. electronic reader.

5. Extended Time/Adjusted Time. Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. The time of day the test is administered may also be adjusted to a time more beneficial to the student. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

6. Communication Assistance. A test administrator who is fluent in the cuing or signing modality routinely used by a student should be available to repeat or clarify directions and sign portions of the test if warranted by the student's reading level as documented on the IEP or IAP and Section 504 Testing Accommodation Verification form.

a. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be signed or cued. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7. Transferred Answers. Student responses that are recorded in any format other than on the standard answer document must be transferred by the test administrator precisely as instructed in the appropriate test manual. Such formats include braille, large print, oral responses, typewritten responses, computer responses, and any other responses recorded with the assistance of mechanical or technological devices. Student responses not transferred will not be scored. If both a student's and a test administrator's handwriting appear on an answer document, only the student's writing will be scored.

8. Individual/Small Group Administration. Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be

provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

9. Other. Any necessary accommodations may be used, but they must be decided by the IEP team or Section 504 committee and listed on the student's IEP or IAP and Section 504 Testing Accommodation Verification form. The accommodation must not invalidate the meaning of the test score or the purpose of the test. Examples of other accommodations include highlighting the task or verbs in the directions on the test or assisting the student in tracking the test items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24 et seq., R.S. 17:391-400, R.S. 17:1941 et seq., R.S. 17:397, R.S. 17:1946, and R.S. 17:1947.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3307. Limited English Proficient Students

A. All LEP students must participate in statewide assessments. LEP students qualify; however, for accommodations provided they are used in the students' regular classroom instruction and assessment. Test accommodations must not be different from or in addition to the accommodations provided in the classroom during instruction and assessment and must not compromise test security or confidentiality.

B. Limited English Proficient Student an individual:

1. who is aged 3 through 21;

2. who is enrolled or preparing to enroll in an elementary school or secondary school;

3. who was not born in the United States or whose native language is a language other than English;

4. who is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or

5. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

6. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

a. the ability to meet the state's proficient level of achievement on state assessments described in Section 1111 (b) (3);

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate in society (PL 107–10, Title IX, Sec. 9101 [25].

C. Approved Accommodations for LEP Students

1. Extended Time/Adjusted Time. Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or those who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

2. Individual/Small Group Administration. Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

3. Provision of English/Native Language Word-to-Word Dictionary (No Definitions). LEP students may use either a standard or an electronic English/native language word-to-word dictionary, without definitions, on all sessions of the test. On the written composition sessions of the tests, all LEP students may use an English/native language word-to-word dictionary with definitions; this is not an accommodation.

4. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the test administration manuals. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be read aloud. When reading aloud, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide cues that convey answers.

5. Test Administered by ESL Teacher or by Individual Providing Language Services. Familiarity with the speech patterns of the ESL teacher or individual providing language services may assist the student in understanding the test directions or the portions read aloud if the student receives the accommodation Tests Read Aloud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq. and R.S. 17:24.4 (F)(3).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 35. Assessment of Students in Special Circumstances

§3501. Approved Home Study Program Students

A. Fourth grade students from state-approved home study programs who are seeking to enroll in grade 5 must take and score basic or above on the grade 4 LEAP 21 English Language Arts or the Mathematics test and approaching basic or above on the other test to enroll in grade 5.

B. Eighth grade students from state-approved home study programs who are seeking to enroll in grade 9 must score approaching basic or above on both the grade 8 LEAP 21 English Language Arts and Mathematics tests to enroll in grade 8. Beginning in 2006, these students will be required to score basic or above on either the grade 8 LEAP 21 English Language Arts or Mathematics test to enroll in grade 9.

C. Students from state-approved home study programs have the option of taking the grades 4 and 8 LEAP 21 Science and Social Studies tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1–17.236.2, R.S. 17:6 (A) (10) (11) (15), R.S. 17:10, R.S. 17:22 (6), R.S. 17:391.1–17: 391.10, R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3503. Homebound Students

A. Homebound students shall be administered the appropriate assessment for their enrolled grade. The test administrator must issue the test booklet and answer document each day and return the testing materials to the enrolled school daily. The test administrator must receive training in security and test administration procedures and sign a security oath.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3505. Foreign Exchange Students

A. Foreign exchange students shall take the appropriate assessment for their enrolled grade during the scheduled assessment period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3507. Correctional Facilities

A. Students enrolled in grades 3 through 11 who are under the supervision of correctional facilities shall take the appropriate assessment for their enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed rule affect the stability of the family? No.
2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule consolidates into Bulletin 118 the State Board of Elementary and Secondary Education and the Division of Student Standards and Assessments test policy rules, guidelines, and procedures for easy access during statewide test administration. The estimated implementation cost is $4,624 for publication in the *LA Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections at the state or local governmental levels.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Marlyn J. Langely	H. Gordon Monk
Deputy Superintendent	Staff Director
Management and Finance	Legislative Fiscal Office

0503#045

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators (LAC 28:CXV.2321 and 2373)

Editor's Note: Sections 2321 and 2373 are being repromulgated to correct printing errors. This Notice of Intent may be viewed in its entirety on pages 495-557 of the February 20, 2005 edition of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement Bulletin 741 Louisiana Handbook for School Administrators. Bulletin 741 will be printed in codified format as Part CXV of the Louisiana Administrative Code. This document replaces any previously advertised versions. Bulletin 741 Louisiana Handbook for School Administrator contains all BESE policies and state laws required for the normal operation of districts and schools that are not included in other bulletins. The purpose of this project was to:

- clarify wording of policies;
- ensure that all Rules approved by BESE are included;
- eliminate contradictory policies;
- update Bulletin 741 with current legislation;
- make the bulletin more user-friendly;
- codify the bulletin as is required by the Administrative Procedure Act.

Title 28
EDUCATION
Part CXV. Bulletin 741C Louisiana Handbook for School Administrators
Chapter 23 Curriculum and Instruction
§2321. Carnegie Credit for Middle School Students

A. Students in the middle grades are eligible to receive Carnegie credit for courses in the high school Program of Studies in mathematics, science, English, social studies, foreign language, keyboarding/keyboarding applications, or computer/technology literacy.

B. Middle school students intending to take a course for Carnegie credit must demonstrate mastery of the eighth grade Grade-Level Expectations in that content area by one of the following means:

1. Successfully complete an accelerated seventh grade course in the content area that addresses both seventh and eighth grade Grade-Level Expectations.

2. Pass an exam developed by the LDE on the eighth grade Grade-Level Expectations in the content area before taking the high school course.

C. Middle school students may receive Carnegie credit for successfully completing the high school course provided that:

1. the time requirement for the awarding of Carnegie credit is met; (§907).

2. the student has mastered the established high school course standards for the course taken;

3. the teacher is certified at the secondary level in the course taught, OR the student has passed a credit examination in the subject taken.

a. The credit examination shall be submitted each year for approval to the Division of Student Standards and Assessments or the Division of Family, Career and Technical Education of the DOE.

b. School principals may request the state Algebra I credit examination by notifying the Division of Student Standards and Assessments.

D. The LEA may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency system-wide.

E. The eighth grade LEAP 21 shall be administered in lieu of a required credit exam for students who:

1. scored *unsatisfactory* on the mathematics or English language arts components of eighth grade LEAP 21; and

2. successfully complete a specially designed elective for eighth grade LEAP 21 remediation.

3. students meeting the above criteria who score at or above the *basic* achievement level upon retaking eighth grade LEAP 21 may earn a maximum of one Carnegie unit of elective credit.

F. Students who are repeating the eighth grade because they have failed both the mathematics and English language arts components of LEAP 21 shall not take or receive Carnegie credit for any high school courses other than the required eighth grade remediation courses provided all requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§2373. Agricultural Education

A. The Agricultural Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Exploratory Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective I, II	9-12	1/2-3
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	11-12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	1/2
Care and Management of Small Animals II	11-12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	11-12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry-Based Certifications		
ABC Welding in Agriscience	11-12	1-3
ABC Carpentry in Agriscience	11-12	1-3
ABC Electricity in Agriscience	11-12	1-3
ABC Pipefitting in Agriscience	11-12	1-3

B. Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

C. Semester courses are designed to be offered in the place of, or in addition to, Agriscience III and/or IV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741C Louisiana Handbook for School Administrators

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost is $9384 for publication in the *LA Register*. The update to Bulletin 741 clarifies wording of policies, ensures all rules approved by the Board of Elementary and Secondary Education are included and includes current legislation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be not costs or economic benefits to persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0503#076

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Timelines for PRAXIS Exams
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. The previous effective date for implementation of PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification was June 1, 2004. This proposed change would modify that date to January 1, 2005. This change will allow the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); LR 28:2505-2508 (December 2002); LR 29:117-119 (February 2003); LR 29:119-121 (February 2003); LR 29:121-123 (February 2003)

* * *

PRAXIS Exam Requirements for Initial Certification in Mild/Moderate:

January 1, 2005 is the effective date for PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification. This allows the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

* * *

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746CLouisiana Standards for State Certification of School Personnel Timelines for PRAXIS Exams

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The previous effective date for implementation of PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification was June 1, 2004. This proposed change would modify that date to January 1, 2005. This change will allow the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
0503#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel PRAXIS Exams and Passing Scores for Louisiana Certification
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education intends to amend *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy specifies the exam and passing score(s) for the following certification areas: Chemistry, Physics, German, and Educational Leader Level 1.

Previously to become certified in Chemistry or Physics an individual had to complete PRAXIS/NTE pedagogy exam(s) that included other science areas. These two new exams are specific to these science content areas. In the state's new add-on policy this will allow an individual to complete an exam for a specific content area rather than completing coursework. The board periodically reviews new exams for certification in Louisiana and sets the cut scores for these exams, as is the case with the pedagogy exam for German. The School Leadership Licensure Assessment will be available for the first time for individuals seeking certification as an Educational Leader-Level 1.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); LR 28:2505, 2508 (December 2002); LR 29:117, 119 (February 2003); LR 29:119, 121 (February 2003); LR 29:121, 123 (February 2003), LR 31:

* * *

Louisiana RequirementsCPRAXIS/NTE SCORES

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Early Childhood PK-3	Elementary Content Knowledge (0014) Effective 6/1/04	147 150	• Prior to 6/1/04: PLT K-6 or ECE 0020; • After 5/31/04: Early Childhood Education 0020 (Score 510)			
Grades 1-5	Elementary Content Knowledge (0014) Effective 6/1/04	147 150	161	---		---
Grades 4-8 Generic	Middle School: Content Knowledge (0146) Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154		---
Grades 4-8 Mathematics	Middle School Mathematics (0069)	148	---	154		---
Grades 4-8 Science	Middle School Science (0439) Effective 6/1/2006 Effective 6/1/2009	140 145 150	---	154		---
Grades 4-8 Social Studies	Middle School Social Studies (0089)	149	---	154		---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)	160	---	154		---
Grades 6-12 Certification Areas						
Agriculture	Agriculture (0700) Effective 7/1/05	510	---	---		161
Biology	Biology & General Science (0030) Biology: Content Knowledge (0235) Effective 7/1/05	580 150	---	---		161
Business	Business Education (0100) Effective 6/1/04	540 570	---	---		161
Chemistry	Chemistry/Physics/General Science (0070) Chemistry: Content Area (0245) Effective 7/1/06	530 151				161
English	English Language, Literature, & Composition**:** Content Knowledge (0041) Pedagogy (0043)	 160 130	 ---	 ---		 161
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)	510	---	---		161
French	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520 156	---	---		161
General Science	Biology & General Science (0030) –OR— Chemistry/Physics/General Science (0070 General Science: Content Knowledge (0435) Effective 7/1/05	580 530 156	---	---		161
German	German (0180) German: Content Knowledge (0181) Effective 7/1/06	500 151	---	---		161
Mathematics	Mathematics (0060) Mathematics: Content Knowledge (0061) Effective 6/1/04 Effective 6/1/07 Effective 6/1/10	550 125 130 135	---	---		161
Physics	Chemistry/Physics/General Science (0070) Physics: Content Knowledge (0265) Effective 7/1/06	530 141				161
Social Studies	Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	 149 152	 ---	 ---		 161
Spanish	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160	---	---		161
Speech	Speech Communications (0220) Effective 7/1/05	575	---	---		161

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Technology Education (formerly Industrial Arts)	Technology Education (0050) Effective 7/1/05	600	---	---		161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	At this time, a content area exam is not required for certification in Louisiana.	---	---	---		161

All-Level Areas

Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	OR	PLT 7-12 (#0524)
Grades K-12 Art	Art: Content Knowledge (0133) Effective 7/1/05	155	161	154	or	161
Grades K-12 Dance	None Available**	---	161	154	or	161
Grades K-12 Foreign Languages	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520 156	161	154		161
	German (0180)	500				
	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160				
Grades K-12 Music	Music Education (0110) Music: Content Knowledge (0113) Effective 6/1/04	530 151	161	154	or	161
Grades K-12 Health and Physical Education	Physical Education (0090) Phys. Education: Content Knowledge (0091) Effective 6/1/04	550 146	161	154	or	161

**At this time, a content area exam is not required for certification in Louisiana.

Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
Special Education (All Areas)	Prior to 6/1/04, required only for entry into new Mild /Moderate alternate certification programs		Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) **OR** PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04 Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Candidate must pass content area exam appropriate to certification level 1-5, 4-8, 6-12 Effective 6/1/04		Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild Moderate Disabilities (0542) Effective 6/1/04	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

Pre-Professional Skills Tests

(Required for all Louisiana candidates to enter teacher preparation programs.)

Pre-Professional Skills Test	Test #	Score	Pre-Professional Skills Test	Test #	Score
PPST:R – Pre-Professional Skills Test: Reading	0710	172	Computer-Based Tests (prior to 1/16/02):		
PPST:W – Pre-Professional Skills Test: Writing	0720	171	CBT Reading	0711	319
PPST:M – Pre-Professional Skills Test:			CBT Writing	0721	316
Mathematics	0730	170	CBT Mathematics	0731	315
Computerized PPST (1/16/02 and after)—same passing scores as written PPST:					
Reading	5710	172			
Writing	5720	171			
Mathematics	5730	170			

Other Areas

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410)	620
Administration	School Leaders Licensure Assessment (1010) Effective 7/1/06	168

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed rule affect the stability of the family? No.
2. Will the proposed rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5, Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746CLouisiana Standards for StateCCertification of School PersonnelCPRAXIS Exams and Passing Scores for Louisiana Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy specifies the exam and passing score(s) for the following certification areas: chemistry, physics, german, and educational leader level 1. The adoption of this policy will cost the department of education approximately $700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This policy will affect individuals applying for initial certification and add-on in chemistry, physics, and german. The praxis exams may be taken in lieu of coursework to add these areas to existing certificates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance

H. Gordon Monk
Staff Director
Legislative Fiscal Office

0503#023

NOTICE OF INTENT

Board of Elementary and Secondary Education

Personnel, Accounting, and Reporting Policies
(LAC 28:I.701 and 912)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement revisions to §701.A.-E. Personnel Policies and §912.A. Accounting and Reporting Procedures (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE board business. We are in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections we are removing will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 7. Personnel Administration
§701. Personnel Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(D); R.S. 17:4; R.S. 17:4.1; R.S. 17:6(A)(10); R.S. 17:43-49; R.S. 17:1951; R.S. 17:1991-2009.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:297 (April 1990), repealed LR 31:

Chapter 9. Bulletins, Regulations and State Plans
Subchapter A. Bulletins and Regulations
§912. Accounting and Reporting Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; 17:92.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 20: (October 1994); LR 23:951 (August 1997), repealed LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Personnel, Accounting, and Reporting Policies

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The sections we are removing will not have an effect on the way BESE conducts Board business or the regulatory procedures or language used to oversee any programs.

This action will have no fiscal effect other than $136.00 for advertising in the Louisiana Register

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action will have no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This action will have no effect on cost and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will have no effect on competition and employment.

Weegie Peabody	H. Gordon Monk
Executive Director	Staff Director
0503#015	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Board of Certified Public Accountants

Uniform CPA Examination Fees
(LAC 46:XIX.319 and 709)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of the Louisiana Accountancy Act, R.S. 37:74(J) and 75(D)(4), the Board of Certified Public Accountants of Louisiana hereby gives notice of intent to amend LAC 46:XIX.319 and 709 to remove and delete references to the CPA examination application fees. The action is necessary because candidates pay all examination fees to the third parties, who prepare and deliver the AICPA Uniform Certified Public Accountant Examination. These fees are not revenue to the board. No preamble has been prepared with respect to the revised rules, which appear below.

Implementation of the proposed Rules will have no known effect upon family stability, functioning, earnings, budgeting; the responsibility and behavior of children; or, upon parental rights and authority, as set forth in R.S. 49:972.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XIX. Certified Public Accountants

Chapter 3. State Board of Certified Public Accountants of Louisiana

§319. Assessment of Application, Annual and Other Fees

A. Certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following.

Application Fees	
Original or reciprocal certification application	$100
Reinstatement of certificate application	$100
Firm permit application	$100
Annual Fees	
* * *	

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:

Chapter 7. Qualifications; Applications

§709. Fees

A. Each application for certification or firm permit shall be accompanied by a fee set by the board. Should such application be rejected, the fee less any service charge shall be refunded. Additional information on fees is included in Chapter 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:

Interested persons may submit written comments regarding the contents of the proposed Rule by mail or in person to the following address: State Board of Certified Public Accountants of Louisiana, Attn: Executive Director, 601 Poydras Street, Suite 1770, New Orleans, LA 70130. Any written comments on the proposed Rules must be received by April 20, 2005 at 4:30 p.m.

Michael A. Henderson
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Uniform CPA Examination Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No costs or savings to state or local governmental units are anticipated as a result of implementation of the proposed Rule changes other than one-time costs for printing, publication, and dissemination. The revised Rules will not cause a change in board staffing requirements. There are no other expected significant expenditures for fees, materials, equipment, or other charges.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue to governmental units is anticipated as a result of implementation of the revised Rules. The American Institute of CPAs (AICPA), the National Association of State Boards of Accountancy (NASBA), and Thomson-Prometric currently develop, process, deliver and grade the examination. All examination fee revenue accrues to these third party examination vendors or providers.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The board intends to remove references to the examination fee in its Rules because all examination fees are paid by candidates to third parties. CPA examination candidates submit applications to the examination providers. The third-party examination providers, the AICPA, NASBA, and Thomson-Prometric each charge a portion of the examination application fee, currently totaling $600. Their fees may be adjusted in order to recover their respective costs. Testing volume is a significant factor in recovering investment and fixed costs, and test volume has declined. The total fee will increase to $677 because the charge for computer use at Prometric Test Centers will increase from $17.00 to $22.50 per hour, or $77 for the 14 hour exam, effective July 2005. Increased costs are offset by economic and other benefits including the ability of candidates to make exam appointments at convenient times, increased frequency of exam dates, availability of test centers nationwide, and reduction in testing and grading time. Exam passing rates have increased under computer testing as candidates may now take the four parts of the exam on different dates and prepare for one section at a time. This can reduce the overall cost and time to complete the exam for individual candidates, as there is less need to apply for reexamination. If test taking volume increases in the future, examination fees could decrease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no significant effect on competition and employment that will directly result from the implementation of the revised Rules.

Michael A. Henderson	Robert E. Hosse
Executive Director	General Government Section Director
0503#057	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Office of Group Benefits

National Guard (LAC 32:I:1501-1511)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2) vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, and pursuant to the provisions of R.S. 42:808, as amended Acts 2004, No. 870, §1, OGB hereby gives notice of its intent to adopt the following Rule providing with respect to participation in OGB sponsored life, health, or other programs by active or retired member of the Louisiana National Guard.

Title 32
EMPLOYEE BENEFITS
Part I. General Provisions
Chapter 15. Participation by Active or Retired Members of the Louisiana National Guard

§1501. Eligibility

A. Any active or retired member of the Louisiana National Guard shall be eligible to participate in OGB sponsored life, health, or other programs provided that:

1. other coverage is not available through the member's employment; and

2. the member is not eligible for Medicare coverage.

B. Eligible dependents of such active or retired members of the Louisiana National Guard shall be eligible for dependent coverage in accordance with the terms, conditions, requirements and limitations applicable to dependents of other eligible employees and retirees as set forth in the rules of OGB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1503. Certification

A. Any eligible active or retired member of the Louisiana National Guard who submits an enrollment application to participate in OGB sponsored life, health, or other programs shall provide, contemporaneous with the enrollment application, written certification as follows:

1. from the member's employer, that other coverage is not available through the member's employment; and

2. from the appropriate federal administrative agency that the member is not eligible for Medicare;

3. OGB may require additional written certification at such times as it deems necessary to verify eligibility for participation in its sponsored programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1505. Payment of Premiums

A. The member must agree to pay the full amount of all premiums due for selected coverage without contribution from the state of Louisiana or any of the governmental or administrative subdivisions, departments, or agencies of the executive, legislative, or judicial branches of the state of Louisiana, or the governing boards and authorities of the state universities, colleges, and public elementary and secondary school systems in the state.

B. Contemporaneous with the enrollment application, the member must complete and submit to OGB all documentation necessary to provide for the payment of premiums via electronic funds transfer (EFT) from a licensed financial institution doing business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1507. Effective Dates of Health Coverage

A. Unless an earlier effective date is mandated by applicable law or regulation, the effective date of health coverage for active or retired members of the Louisiana National Guard and their eligible dependents shall be:

a. the first day of the month following the date of receipt by OGB of the properly completed enrollment application, together with all required documentation, when such application and documentation are received by OGB prior to the fifteenth of the month;

b. the first day of the second month following the date of the receipt by OGB of the properly completed enrollment application and all required documentation when such application and documentation are received by OGB on or after the fifteenth of the month.

B. Coverage for eligible dependents of such active or retired members of the Louisiana National Guard shall become effective in accordance with the terms, conditions, requirements and limitations applicable to dependents of other eligible employees and retirees as set forth in the rules of OGB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1509. Health BenefitsCPre-existing Condition Limitation

A. Upon initial enrollment, health coverage for all active or retired members of the Louisiana National Guard and their dependents shall be subject to a pre-existing condition limitation as follows.

1. Medical expenses incurred during the first 12 months following the date of enrollment of the member and/or dependent will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately prior to the date of enrollment. This limitation does not apply to pregnancy.

2. If the member or dependent previously had other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 and regulations

promulgated pursuant thereto (HIPAA), credit against the 12-month limitation period will be given for the duration of such prior coverage that occurred without a break of 63 days or more. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against the 12-month limitation period.

B. OGB may require applicants to complete a "Statement of Physical Condition" form and an "Acknowledgment of Pre-existing Condition" form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1511. Term Life Insurance

A. Evidence of Insurability. Any active or retired member of the Louisiana National Guard or dependent(s) of such member for whom application for life insurance is made shall, in addition to all other required documentation, provide evidence of insurability acceptable to the insurer providing the OGB sponsored term life insurance. Such evidence of insurability shall be provided at no cost to OGB and/or the insurer providing the OGB sponsored term life insurance.

B. Effective Date

1. Unless delayed as set forth below, the effective date of life insurance will be the first of the month next following OGB's receipt of approval of the application for coverage from the insurer providing the OGB sponsored term life insurance.

2. Delay of Effective Date. If an active or retired member of the Louisiana National Guard, or dependent(s) of such member, is/are confined for medical care or treatment at home or elsewhere on the date that life insurance coverage would otherwise be effective, coverage for such individual(s) will take effect upon final medical release from such confinement.

C. Amount of Life Insurance

1. Option 1 Basic Life Insurance:

a. active or retired member of the Louisiana National Guard $5,000;

b. dependent(s) of active or retired member of the Louisiana National Guard:

i. spouse $2,000 and $1,000 per eligible child; or

ii. spouse $1,000 and $500 per eligible child.

2. Option 2 Basic Life Insurance plus Supplemental Life Insurance:

a. active or retired member of the Louisiana National Guard $20,000;

b. dependent(s) of active or retired member of the Louisiana National Guard:

i. spouse $4,000 and $2,000 per eligible child; or

ii. spouse $2,000 and $1,000 per eligible child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1513. Termination of Coverage

A. All benefits will terminate on the earliest of the following dates:

1. on the last day of the month in which the active or retired member of the Louisiana National Guard ceases to be eligible to participate in OGB sponsored life, health, or other programs, as provided herein;

2. on the due date of any unpaid premium/contribution required for continuation of coverage; or

3. on the date that coverage would otherwise terminate for any other employee or retiree, or dependent(s) of such employee or retiree, participating in OGB sponsored health, life, or other programs in accordance with OGB rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1515. Other Issues

A. Other issues pertaining to eligibility for or participation in OGB sponsored life, health, or other programs by any active or retired member of the Louisiana National Guard not specifically addressed herein shall be resolved in accordance with OGB rules pertaining to other eligible employees and retirees. Nothing herein shall be construed to confer upon any active or retired member of the Louisiana National Guard greater rights relative to eligibility for or participation in OGB sponsored life, health, or other programs than those applicable to other eligible employees and retirees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

Family Impact Statement

The proposed Rule will permit active or retired members of the Louisiana National Guard who are not eligible for employer sponsored coverage or Medicare to participate in OGB sponsored life, health, or other programs upon agreement to pay the full amount of all premiums due for selected coverage. The proposed Rule has no other known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on April 23, 2005.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: National Guard

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by OGB's consulting actuary, Milliman, USA, that this change mandated by Act 870 of the 2004 Louisiana Legislature would cost the Office of Group Benefits approximately $0 to $1,252,183 in FY 04/05, $0 to $3,456,026 in FY 05/06, and $0 to $3,974,430 in FY 06/07. This change in eligibility provides coverage for any Active or Retired Louisiana National Guard member who certifies that other coverage is not available through the member's employment or the member is not eligible for Medicare. It is anticipated $3,000

in expenses will be incurred with the publishing of this Rule in FY 04/05.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of State or Local Governmental units should not be affected as the entire premium (100 percent) for these Louisiana National Guard Members would paid by such member.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule will allow any active member (approximately 11,700) or retired member (approximately 4,000) of the Louisiana National Guard to obtain health insurance through the Office of Group Benefits if the member certifies that other coverage is not available through the member's employment or the member is not eligible for Medicare. This is a result of Act 870 of the 2004 Louisiana Legislature which became effective July 1, 2004. As of February 1, 2005 there were no enrollees in the program as a result of this legislation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall	H. Gordon Monk
Chief Executive Officer	Staff Director
0503#052	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Office of Elderly Affairs

Family Caregiver Support Program
(LAC 4:VII.1101, 1105, 1237, 1245, and 1275)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to repeal LAC 4:VII.1105, 1237, and 1275. These Sections have been repealed to agree with changes in legislation or are requirements in either state or federal regulations

This notice also amends §1101, Office of Elderly Affairs, to repeal selected text, and §1245, Family Caregiver Support Program, to clarify service definitions and support services. The significant change is in the minimum number of hours of respite care. This change is a result as a recommendation from the Governor's Office of Elderly Affairs Task Force.

Title 4
ADMINISTRATION
Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. - A.2.j. …

3. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana's elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also administers several statewide programs including the Adult Protective Services Program for the Elderly and the Long Term Care Ombudsman Program.

B. - B.1.j. …

k. Repealed.

l. Repealed.

m. - q. …

2. - 2.f. Repealed.

C. - D.8.b.xvii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 1016 (May 2002), LR 31:

§1105. State Plan on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931, R.S. 49:432, OAA Section 203(b), OAA Section 307, OAA Section 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2205 (November 1999), LR 28:1016 (May 2002), repealed LR 31:

Subchapter E. Uniform Service Requirements

§1237. Long-Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 19:627 (May 1993), LR 24:1765 (September 1998), LR 25:871 (May 1999), .repealed LR 31:

§1245. Family Caregiver Support Program

A. …

B. Definitions

* * *

Chore various maintenance activities inside and around the outside of the home such as lawn cutting, yard clean-ups, replacing fuses, light bulbs, electric plugs, frayed cords, door locks, installing screens and storm windows, weather stripping around doors, replacing broken windowpanes, or replacing light bulbs.

* * *

Home Repair/Modification minor modification of homes necessary to facilitate the ability of older individuals to remain at home, and not available to the client from other programs. Not more than $150 per client may be expended under this part for such modification. Services include installing grab bars in the bathroom or building a ramp.

In-Home Respite temporary care provided in the home of the qualifying individual in order to provide a brief period of relief or rest for the caregiver.

Individual Care Support enables caregivers to choose a family member to provide temporary personal support, care, and companionship in the home of the qualifying individual on a temporary basis.

* * *

Mobile Day Care provided in communities where the staff and supplies move from a central location to sites throughout the area depending on available sites. Priority areas should target low-income rural elders.

* * *

Outreach one-on-one contacts initiated by the area agency on aging or contracted agency for the purpose of identifying potential clients or their caregivers and encouraging use of existing services and benefits.

* * *

C. Support Services

1. Funds allocated under this program for services provided by an area agency on aging, or entity that such agency has contracted with, shall be expended in five basic categories listed below. All appropriate state licensing requirements must be met.

a. *Information* about available services. Examples include, but are not limited to public information, community education, information and referral, and outreach services.

b. *Assistance* gaining access to the services. Examples include, but are not limited to information and assistance, case management, transportation, and assisted transportation.

c. *Counseling/Support Programs/Groups and Caregiver Training* to caregivers to assist in making decisions and solving problems relating to their care giving roles. Examples include, but are not limited to individual counseling, support groups, or caregiver training.

d. *Respite Care* to enable caregivers to be temporarily relieved from their care-giving responsibilities. Examples include, but are not limited to adult day care/adult day health, mobile day care, group respite, in-home respite, and institutional respite. Temporary means not more than 96 hours per calendar year per qualifying individual. The area agency on aging may request an exception to this rule, in writing, at the beginning of each fiscal year based upon need.

e. *Supplemental Services* on a limited basis, to complement the care provided by caregivers. Examples include, but are not limited to chore, homemaker, home repair/modification, personal care service, sitter service, material aid, or any other services approved by GOEA.

2. - 3. …

4. The area agency on aging may use not more than 20 percent of the funds allocated under this program to provide supplemental services. An area agency on aging may request from GOEA, at the beginning of each fiscal year, to allocate up to an additional 10 percent of the funds under this program. The request must demonstrate need. An area agency on aging, or entity that such agency has contracted with, may use other funds to provide additional supplemental services.

5. …

6. Caregivers, served by the NFCSP, may contract with other family members, not identified as clients in the NFCSP, to provide services such as individual care support, as outlined in procedures developed by the GOEA.

7. Area agencies on aging may provide vouchers to caregivers to obtain services and support to care for their loved ones as outlined in procedures developed by the GOEA. Families choose which services will meet their needs and receive vouchers to pay for those services and support. Caregivers may be able to select from an array of services and supplies, such as respite, day care, personal support aides, pharmacy supplies, adult diapers, chore services, home repair/modifications, individual care support, prescription medications, and transportation.

D. - E. …

F. Coordination with Service Providers. Each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, or with the Senior Companion Program located in the planning and service area, with activities of other community agencies and voluntary organizations providing the types of services described in §1245.C.

G. - G.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended in 2000, (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:

Subchapter F. Hearing Procedures

§1275. Hearing Procedures for Persons Filing Appeals in the Long Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 26:81 (January 2000), repealed LR 31:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule does not affect the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule does not deal with the education or supervision of children and will not make an impact on the family.

3. The Effect of This Rule on the Functioning of the Family. This Rule may affect caregivers receiving respite care by providing temporary relief in caring for aging family members.

4. The Effect of This Rule on Family Earnings and Family Budget. This Rule will have no impact on family earnings.

5. The Effect of This Rule on the Behavior and Personal Responsibly of Children. This Rule does not deal with children and will not have any impact.

6. The Effect of This Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. N/A

A public hearing on the proposed Rule will be held at 9 a.m. on May 26, 2005, at the Governor's Office of Elderly Affairs, First Floor Conference Room, 412 North Fourth Street, Baton Rouge, LA. Interested persons may submit written comments until 4:30 p.m., May 26, to Margaret McGarity, Compliance and Planning, 412 N. Fourth Street, Third Floor, Baton Rouge, LA 70802, or by facsimile (225) 342-7100.

Godfrey White
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Family Caregiver Support Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule outlines the requirements of the Family Caregiver Support Program and repeals programs in the Office of Elderly Affairs Policy Manual that have been eliminated by Legislative action or as required by State or Federal regulations. No costs or savings other than the minimal cost of printing the plan and publishing the rulemaking is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is not estimated cost or savings to the state or local governmental units affected with this rule change. There will be no additional costs to the Governor's Office of Elderly Affairs contractors and subcontractors, including area agencies on aging, parish councils on aging and other service providers, or the elderly residents of the state. This proposed rule will not make any changes in the economic benefits to the elderly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule is not anticipated to have any effect on competition or employment in the public or private sectors.

Godfrey White	Robert E. Hosse
Executive Director	General Government Section Director
0503#021	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Louisiana Real Estate Appraisers Board

Real Estate Appraisers
(LAC 46:LXVII.Chapters 101-105)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Real Estate Appraisers Board has initiated procedures to amend LAC 46:LXVII.Real Estate.Subpart 2.Appraisers, so as to coincide with the amended provisions of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.).

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Subpart 2. Appraisers

Chapter 101. Authority

§10101. Adoption

A. The rules and regulations of the Louisiana Real Estate Appraisers Board contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq. and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

B. The terms *license* and *certificate* as used throughout the Louisiana Real Estate Appraisers Law and Appraiser Board Rules and Regulations are synonymous.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

Chapter 103. License Requirements

§10301. Applications

A. Applications for examination must be submitted on forms prescribed by the board and must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

B. An examination authorization will be issued by the board on receipt of a properly completed application.

C. When an applicant has made a false statement of material fact on an initial or renewal application for a license, or in any document submitted in connection with the application process, such false statement may in itself be grounds for refusal of a license.

D. The responsibility for timely submission of the renewal application and payment of the required fees rests solely with the applicant.

E. A nonresident real property appraiser licensed in another state, commonwealth, or territory shall register with the board to qualify to appraise real property in this state, provided that:

1. the licensing program in the state, commonwealth, or territory under which the appraiser holds a license has not been disapproved by the Appraisal Subcommittee;

2. the appraiser's business in this state is of a temporary nature; and

3. the appraiser submits a completed application form prescribed by the board, including an irrevocable consent to service of process in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10303. Examination

A. Applicants for a certified residential or certified general real property appraiser license must pass the appropriate examination issued or endorsed by the Appraiser Qualifications Board (AQB).

B. Any applicant who fails to pass the initial examination may reapply to take a subsequent examination, provided a new examination processing fee is submitted within 90 days of the last test date and a new examination authorization is obtained. After 90 days the applicant's file shall be closed and remittance of all prescribed fees and a new application shall be required. The board, at its discretion, may extend the 90 day retake period upon showing that factors beyond the control of the applicant warrants such an extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10305. Fees

A. Except as otherwise provided in the rules and regulations of the board, all fees submitted to the board are nonrefundable.

B. The application fee for a license shall cover a period of two calendar years and shall not be prorated.

C. The initial education provider fee shall cover a period of one calendar year and shall not be prorated.

D. Payment of any fee with a check that is returned by a financial institution, wherein the reason for not paying the check is not the fault of the financial institution, shall be grounds for the cancellation of the transaction for which the fee was submitted and/or the suspension or revocation of a license or certificate.

E. Persons issuing checks that are returned by financial institutions will be notified of the return of the check by certified mail to the address registered with the board. Within 10 days from the mailing of the notification, the person issuing the check shall remit a certified check, cashier's check or money order payable to the Louisiana Real Estate Appraisers Board in the amount of the returned check plus a $25 processing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10307. Education Requirements

A. The board shall prescribe and define the subjects related to real property appraisal that will satisfy the requirements for qualifying and continuing education.

B. The board shall consider for credit, on an individual basis, course work completed by applicants through non-approved providers. The applicant shall apply for approval by submitting documentation of attendance, hours completed, date of attendance, course outline or content information and, if applicable, verification of successful completion of an examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10308. Appraiser Trainees

A. An appraiser trainee shall not remain licensed in this category in excess of six years. If a trainee is unable to satisfy the qualifications for licensure as a certified residential or certified general real property appraiser at the end of the six-year period, the trainee must reapply as an appraiser trainee to continue performing real property appraisals.

B. An appraiser trainee shall not sign and issue an appraisal report that does not also include the supervising appraiser's signature.

C. The scope of work for the appraiser trainee shall be limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

D. A trainee shall not perform any appraisals under the supervision of a licensed appraiser who is not in good standing with the board.

E. Effective January 1, 2006, all appraiser trainees shall complete the hours needed to satisfy the qualifying education requirement for a certified residential or certified general license prior to taking any other seminars or classes for continuing education credit

F. Any individual licensed with the board as a certified residential or certified general real property appraiser may engage a licensed appraiser trainee to assist in the performance of real estate appraisals, provided the certified appraiser meets the following criteria:

1. has been licensed and in good standing with the board for at least two full years;

2. has no more than three trainees working under his/her supervision at any one time, either as employees or subcontractors;

3. agrees to actively and personally supervise the licensed appraiser trainee's work product, as specified below, subject to the guidelines and requirements of the Uniform Standards of Professional Appraisal Practice, and be responsible for the trainee's conduct.

a. Active and personal supervision implies that the supervisor will not sign or endorse an appraisal report that was not substantially produced by the appraiser trainee. The term *substantial* means that the trainee contributed materially and in a verifiable manner to the research and/or analysis that led to the final opinion of value expressed in the appraisal.

4. The supervising appraiser shall accompany the licensed appraiser trainee on inspections of the subject property for a minimum of the first 50 appraisals performed by the trainee. The trainee may then perform property inspections without the presence of the supervising appraiser provided that the supervising appraiser feels the appraiser trainee is competent to do so.

5. The supervising appraiser shall make available to the trainee a copy of every appraisal report wherein the trainee has provided substantial professional assistance in the preparation of the report as defined above.

6. The supervising appraiser shall sign every appraisal report prepared by the trainee who acts under the supervising appraiser's active and personal supervision.

7. The supervising appraiser shall immediately notify the board in writing of any termination of supervision of a licensed appraiser trainee.

8. The supervising appraiser shall keep copies of appraisal reports prepared by the trainee for a period of five years, or two years after the final disposition of any judicial proceeding in which testimony is given, whichever period expires last.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 31:

§10309. Application for Experience Credit

A. Applicants for a certified residential or certified general real property appraiser license shall satisfy the education and testing requirements prior to submission of the application for experience credit.

B. Applicants for a certified residential or certified general real property appraiser license shall list their appraisal experience on the application provided by the board. Computer generated forms will be accepted, provided that all necessary data is submitted in a format similar to that published by the board.

C. In accordance with R.S. 1950, Title 37, Chapter 51, Louisiana Real Estate Appraisers Law, the board shall have the authority to request and review copies of any appraisal reports listed in the application for experience credit.

D. Only those real property appraisals consistent with the Uniform Standards of Professional Appraisal Practice will be accepted by the board for experience credit.

E. The board may require an applicant to successfully complete additional educational training consisting of not less than 15 or more than 30 instructional hours of course work approved by the board. Such hours shall not later be used to satisfy the continuing education requirement.

F. Appraisals performed for an owner or instructor of a school approved by the board to offer qualifying education course work shall not be accepted for experience credit if performed by the applicant within one year from the date he or she completed the course work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended LR 31:

§10311. Residential Experience Requirements

A. A minimum of 250 credit points (2,500 hours), performed over a period of at least 24 months, is required for licensure as a certified residential real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 125 points; however, there is no minimum point requirement. For example:

2004 140 points = 1.00 experience year
2003 120 points = 0.96 experience year
2002 100 points = 0.80 experience year
360 points = 2.76 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. Only appraisals of single-family, one to four unit residential property, vacant sites suitable for single-family, or farm/timber acreage which included the valuation of a single-family dwelling shall be considered for residential experience.

C. At least 125 experience credit points must come from complete appraisals reported in self contained or summary reports.

D. Residential experience credit points shall be awarded as follows.

1. one unit dwelling (house, townhouse, condominium)	1 point
2. two to four unit dwelling (apartment, duplex, condominium)	2 points
3. residential lot (1 2- 4 family) (not to exceed five points per subdivision)	½ point
4. residential subdivision sites (not to exceed five points per subdivision)	½ point
5. farm or timber acreage suitable for a house site-less than 10 acres	1 point
farm or timber acreage suitable for a house site-10 to 100 acres	2 points
farm or timber acreage suitable for a house site-over 100 acres	3 points
6. rural residence-one unit primary dwelling-10 acres or less	1 point
7. ranchette-part time rural use-10 to 25 acres-with main dwelling and outbuildings, such as additional residence, barns, and/or other outbuildings	3 points
8. all other unusual structures or acreage-larger or more complex than typical properties described herein - points to be determined by Board upon submission	½ - 5 points
9. review of appraisals shall be worth 20% of the points awarded for the appraisal (not to exceed 20 points per year)	

E. Applications for experience credit must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

F. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;

2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);

3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;

4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended LR 31:

§10313. General Experience Requirements

A. A minimum of 300 credit points (3,000 hours), performed over a period of at least 36 months, is required for as a certified general real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 100 points; however, there is no minimum point requirement. For example:

2004 103 points = 1.00 experience year
2003 145 points = 1.00 experience year
2002 53 points = 0.53 experience year
2001 60 points = 0.60 experience year
361 points = 3.13 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided

equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant for experience credit was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. A maximum of 100 residential experience credit points may be applied toward the total points required for a certified general real property appraiser license.

C. At least 150 experience credit points must come from complete appraisals reported in self contained or summary appraisal reports. These reports must include a direct sales approach, cost data approach, and income data approach.

D. General experience credit points shall be awarded as follows.

1. apartments (5 - 20 units) apartments (21 - 100 units) apartments (over 100 units)	4 points 8 points 10 points
2. hotels/motels (50 or fewer units) hotels/motels (51-150 units) hotels/motels (over 150 units)	6 points 8 points 10 points
3. meeting/conference/auditorium (20,000 square feet or less) meeting/conference/auditorium (over 20,000 square feet)	4 points 6 points
4. industrial/warehouse buildings (20,000 square feet or less) industrial/warehouse buildings (over 20,000 square feet) industrial warehouse buildings (multiple tenant over 100,000 square feet)	4 points 8 points 10 points
5. office buildings (10,000 square feet) office buildings (over 10,000 square feet) office buildings (multiple tenant over 100,000 square feet)	4 points 8 points 10 points
6. condominiums (must include income approach) (5 - 30 units) condominiums (must include income approach) (over 30 units)	6 points 10 points
7. retail buildings (10,000 square feet or less) retail buildings (single or multiple tenant over 10,000 square feet) retail buildings (single or multiple tenant over 50,000 square feet)	6 points 8 points 10 points
8. non-residential acreage for commercial or multi- family use (100 acres or less) over 100 acres (direct sales analysis only) over 100 acres (including income approach)	3 points 6 points 8 points
9. timber/farm acreage for commercial or multi-family use (100 - 200 acres) over 200 acres (direct sales analysis only) over 200 acres (including income approach to value)	3 points 6 points 8 points
10. all other unusual structures that are much larger or more complex than the typical properties described in items (1) - (9)	Submit to Board
11. pasture or grazing enterprizes (25 - 50 acres) pasture or grazing enterprizes (51 - 100 acres) pasture or grazing enterprizes (101 - 500 acres) pasture or grazing enterprizes (501 - 2,000 acres) pasture or grazing enterprizes (over 2,000 acres)	1 point 2 points 3 points 6 points 8 points
12. row crop enterprises (25 - 50 acres) row crop enterprises (51 - 100 acres) row crop enterprises (101 - 500 acres) row crop enterprises (501 - 2,000 acres) row crop enterprises (over 2,000 acres)	2 points 3 points 4 points 6 points 10 points
13. orchard/vineyard, plant nursery enterprises (50 acres or less) orchard/vineyard, plant nursery enterprises (51 - 100 acres) orchard/vineyard, plant nursery enterprises (101 - 500 acres) orchard/vineyard, plant nursery enterprises (over 500 acres)	2 points 4 points 8 points 10 points
14. aquaculture enterprises (50 acres or less) aquaculture enterprises (51 - 100 acres) aquaculture enterprises (101 - 500) aquaculture enterprises (over 500 acres)	2 points 4 points 8 points 10 points
15. truck farm enterprises (50 acres or less) truck farm enterprises (51 - 100 acres) truck farm enterprises (101 - 500 acres) truck farm enterprises (over 500 acres)	2 points 4 points 6 points 8 points
16. dairy enterprises (50 or less cow milking herd) dairy enterprises (51 - 100 cow milking herd) dairy enterprises (over 100 cow milking herd)	4 points 6 points 8 points
17. diversified agricultural operations of over 500 acres involving two or more of the above enterprises, assuming multiple disciplines are exhibited in the report	10 points
18. timberland appraisals (40 - 100 acres) timberland appraisals (100 - 500 acres) timberland appraisals (500 - 2,000 acres) timberland appraisals (2,000 - 10,000 acres) timberland appraisals (over 10,000 acres) (submit to Board for determination)	2 points 3 points 5 points 7 points
19. specialized agricultural properties (submit to Board for determination)	
20. No more than 40% of the cumulative points may earned from any one category (1-19). Applicants may request a waiver of this requirement based on unique depth of experience in a single area.	
21. Review of appraisals shall be worth 20% of the points awarded for the appraisal (Cannot exceed 20 points per year).	

E. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;

2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);

3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;

4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended LR 31:

§10315. Appraisal Review Requirements

A. In reviewing an appraisal, the appraiser must observe the following guidelines:

1. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;

2. identify the scope of the review process to be conducted;

3. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;

4. form an opinion as to the appropriateness of the appraisal methods and techniques used to develop the reasons for any disagreements;

5. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed, and develop the reasons for any disagreements;

6. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;

7. the review must be in writing.

B. In reporting the results of an appraisal review, the appraiser must:

1. disclose the nature, extent, and detail of the review process undertaken;

2. disclose the information that must be considered in §10315.A.1 and 2;

3. set forth the opinions, reasons, and conclusions required in §10315.3, 4, and 5;

4. include a signed certification.

C. No more than 20 experience credit points in a 12-month period shall be awarded for review of appraisals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1428 (August 1999), amended LR 31:

Chapter 104. Education providers/course approval

§10401. Approval of Education Providers

A. Upon approval by the board, education providers shall be approved for a period of one year, expiring annually on December 31.

B. The occurrence of any of the following events shall constitute grounds for refusal to grant approval as an education provider:

1. the applicant has been convicted of a forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction;

2. the applicant has made a false statement of material fact on the application;

3. the applicant refuses to agree to monitoring of courses by the board or its duly authorized representatives.

C. Certificates issued to education providers will be issued in the legal name of the applicant.

D. Education providers shall:

1. submit monthly schedules and attendance reports to the board as required;

2. ensure that course offerings satisfy all requirements mandated by the board;

3. maintain the attendance records of each student for a period of five years following the date the student completed a course offered by the provider;

4. provide each student with a written cost and refund policy regarding the course offering;

5. ensure that all advertisements published or distributed include the name of the provider as registered with the board;

6. report any change in business address or telephone number to the board in writing within 10 days of the date of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended LR 31:

§10403. Approval of Qualifying/Continuing Education Courses

A. Education providers must apply directly to the board for qualifying and continuing education course approval. Application forms will be provided by the board. Information to be submitted for each course offering shall include:

1. course content;
2. program structuring;
3. course completion standards;
4. instructor qualifications;
5. minimum number of classroom hours;
6. textbook and course materials;
7. any additional information as requested by the board.

B. Any request for additional course approval from an approved education provider must be approved by the board at least 30 days prior to the course presentation.

C. All approved courses will be valid through December 31 following the initial approval date. The board may extend such approval for the next renewal period if course materials remain current or are updated as changes in the law or rules require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10405. Course Requirements

A. The board may require approved providers to follow model curriculum guidelines to assure comprehensive coverage of appraisal topics which meet the educational requirements for trainee, certified residential, and certified general real property appraiser licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10407. Qualifying Education

A. A class hour is defined as 60 minutes, of which at least 50 minutes are instruction attended by the student. The prescribed number of class hours includes time for examinations.

B. Courses taken to satisfy the qualifying education requirement will only be granted where the minimum length of the course is at least 15 instructional hours and successful completion of a final examination pertinent to that educational offering is required.

C. Experience may not be substituted for education.

D. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:

1. the course provides a reciprocal environment where the student has an appropriate level of verbal or written communication with the instructor and/or other students; and

2. one of the following requirements is met:

a. the course must be presented by an accredited college, community or junior college (Commission on Colleges, regional or national accreditation association), or university that offers distance education programs; or

b. the course must have received approval from the International Distance Education Certification Center (IDECC) for the course design and delivery method, and either:

i. the approval of the Appraiser Qualifications Board through the AQB Course Approval Program; or

ii. the approval of content, delivery and examinations by the licensing jurisdiction.

E. Courses taken to satisfy the qualifying education requirement must not be repetitive. USPAP courses taken in different years are not considered repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

F. Applicants must take the *15-Hour National USPAP Course*, or its equivalent, and pass the associated *15-Hour National USPAP Course Examination*. The course instructor must be an AQB Certified USPAP Instructor who is also a state certified real property appraiser. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student to instructor, and student to material interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10409. Continuing Education

A. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least 2 hours.

C. Credit may be granted for education offerings that are consistent with the purpose of continuing education and cover those real estate appraisal topics, including, but not limited to:

1. ad valorem taxation;
2. arbitration, dispute resolution;
3. courses related to the practice of real estate appraisal or consulting;
4. development cost estimating;
5. ethics and standards of professional practice, USPAP;
6. land use planning, zoning;
7. management, leasing, brokerage, and timesharing;
8. property development, partial interests;
9. real estate appraisal;
10. real estate financing and investment;
11. real estate law, easements, and legal interests;
12. real estate litigation, damages, condemnation;
13. real estate appraisal related computer applications;
14. real estate appraisal securities and syndication;
15. real property appraisal specialization;
16. Louisiana Real Estate Appraisers Law and rules and regulations of the Louisiana Real Estate Appraisers Board.

D. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

E. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement for his/her current classification.

F. In addition to the requirements described in §10407.D., distance education courses intended for use as continuing education must include at least one of the following:

1. a written examination proctored by an official approved by the college or university, or by the sponsoring organization; or

2. the student successfully completes prescribed course mechanisms required to demonstrate knowledge of the subject matter.

G. Real estate appraisal related field trips may be acceptable for credit toward the continuing education requirements; however, transit time to or from the field trip should not be included when awarding credit unless instruction occurs during said transit time.

H. Appraisers must successfully complete the *7-Hour National USPAP Update Course*, or its equivalent every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

I. The equivalent of 15 class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. For example, a two-year continuing education cycle would require 30 hours. The class hour requirement may be fulfilled at any time during the cycle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1430 (August 1999), amended LR 31:

§10411. Instructor Qualifications

A. Instructors for qualifying education courses must satisfy at least one of the following qualification requirements:

1. a baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;

2. a masters degree in any field and one year of experience directly related to the subject matter to be taught;

3. a masters or higher degree in a field that is directly related to the subject matter to be taught;

4. five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or

5. seven years of real estate appraisal experience directly related to the subject matter to be taught.

B. Instructors for continuing education courses must satisfy at least one of the following qualification requirements:

1. three years of experience directly related to the subject matter to be taught;

2. a baccalaureate or higher degree in a field directly related to the subject matter to be taught;

3. three years of experience teaching the subject matter to be taught; or

4. a combination of education and experience equivalent to any of the above.

C. Instructors of the 15-Hour National USPAP Course and 7-Hour National USPAP Update Course must be certified by the Appraiser Qualifications Board (AQB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended LR 31:

§10415. Americans with Disabilities Act (ADA) Compliance

A. For purposes of meeting the requirements of the Americans With Disabilities Act (ADA), the board may permit an alternative method of course delivery other than the regular method of presentation. Verification of the disability of the individual requiring completion of the course work through an alternative delivery method may be required by the board prior to granting such a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended LR 31:

Chapter 105. Investigations and Adjudicatory Proceedings

§10501. Investigations

A. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of a licensee or certificate holder, or any person who assumes to act as such. Written complaints shall bear the signature of the complainant or that of his legal representative before any action will be taken thereon by the board.

B. Upon documented probable cause, the executive director of the board may issue written authorization to investigate apparent violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board.

C. Investigations shall be conducted by the staff of the Louisiana Real Estate Appraisers Board and/or the Louisiana Real Estate Commission.

D. If, during the course of an investigation, documented probable cause is established indicating that violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board have been committed by any licensee or certificate holder other than the licensee or certificate holder against whom the original complaint was made, the additional licensee or certificate holder(s) may be added as respondent(s) to the investigation in the absence of any written complaint alleging such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended LR 31:

§10503. Technical assistance

A. In any investigation conducted by the staff of the Commission, the chairman The executive director of the board may be requested to assign may request a member of the board to provide technical assistance to the investigator conducting the from a member of the board in any investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended LR 31:

§10505. Cooperation

A. Every licensee or certificate holder shall cooperate fully with and answer all questions propounded by the staff member(s) conducting an investigation.

B. Every licensee or certificate holder shall produce any document, book, or record in his/her possession, or under his/her control, concerning any matter under investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended LR 31:

§10507. Adjudicatory Proceedings

A. As the result of an investigation, when it appears that violations of the Louisiana Real Estate Appraisers Law and/or rules and regulations of the board may have been committed by a licensee or certificate holder, the violations may be adjudicated through informal or formal adjudicatory proceedings.

1. Informal Adjudicatory Proceedings

a. The complaint may be concluded informally without a public hearing on the recommendation of the hearing examiner and the concurrence of the executive director.

b. An informal hearing may be conducted only when there is an admission by the respondent that the violations(s) were committed as alleged.

c. A preliminary notice of adjudication shall be issued to advise the respondent of the violation(s) alleged and to advise the respondent that the matter can be resolved informally should the respondent desire to admit to committing the act(s) specified and submits a written request that the matter be resolved informally.

d. A hearing officer shall be appointed by the executive director to conduct an informal hearing with the respondent.

e. The informal hearing shall be attended by the hearing examiner and, if necessary, the case investigator, or in the absence of the case investigator, a designated representative. The hearing examiner shall inform the hearing officer of the administrative, jurisdictional, and other matters relevant to the proceedings.

f. Following an admission by the respondent that the violations were committed as alleged, the hearing officer may enter into a recommended stipulations and consent order to include the imposition of any sanctions authorized by the Louisiana Real Estate Appraisers Law.

g. No evidence will be presented, no witnesses will be called and no formal transcript of the proceedings will be prepared by the board.

h. In the written document the respondent must stipulate to having committed the act(s) in violation of the Louisiana Real Estate Appraisers Law or the rules and regulations of the board, accept the sanctions recommended by the hearing officer, and waive any rights to request a rehearing, reopening, or reconsideration by the board, and the right to judicial appeal of the consent order.

i. At the informal hearing, the respondent shall admit to having committed the act(s) specified, accept the sanctions recommended by the hearing officer, and waive the specified appellate rights, or the alleged violations shall be referred to a formal adjudicatory hearing.

j. If the respondent does execute a stipulations and consent order, the executive director shall submit the document to the board at the next regular meeting for approval and for authorization to allow the executive director to execute the consent order in the name of the board.

k. Any consent order executed as a result of an informal hearing shall be effective on the date approved by the board.

2. Formal Adjudicatory Proceedings

a. All formal public adjudicatory hearings shall be conducted under the auspices of R.S. 37:3409 and Chapter 13, Title 49 of the Louisiana Revised Statutes.

b. Board members who have provided technical assistance in any matter adjudicated at a formal adjudicatory proceeding shall recuse themselves and not participate in any portion of the proceedings.

c. The order issued by the board pursuant to any formal public adjudicatory proceeding shall become effective on the eleventh day following the date the order is issued by the board and entered into the record at the proceedings.

d. If a request for rehearing, reopening, or reconsideration of the order of the board is timely filed and denied by the board, the order shall become final on mailing of the notice of the board's final decision on the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended LR 31:

§10509. Appellate Proceedings

A. Rehearings

1. An order of the board shall be subject to rehearing, reopening or reconsideration by the board on receipt of a written request from a respondent. An application for rehearing, reopening or reconsideration must be postmarked or received at the office of the board within ten days from the date of entry of the order rendered by the board.

2. The date of entry is the date the order is issued by the board and entered into the record at the formal adjudicatory proceedings.

3. The request shall be reviewed by the board attorney for compliance with the Administrative Procedure Act. A finding by the board attorney that the request does not establish grounds for rehearing, reopening or reconsideration shall result in a denial of the request.

B. Judicial Review

1. Proceedings for judicial review of an order issued by the board may be instituted by filing a Petition for Judicial Review in the Nineteenth Judicial District Court in the Parish of East Baton Rouge.

2. In the event a request for rehearing, reopening or reconsideration has been filed with the board, the party making the request shall have thirty days from the final decision on the request within which to file a Petition for Judicial Review.

3. If a request for rehearing, reopening or reconsideration is not filed with the board, the Petition for Judicial Review must be filed in the Nineteenth Judicial District Court within thirty days after the mailing of the order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

§10511. Costs of Adjudicatory Proceedings

A. On a finding that a respondent has committed the violation(s) as alleged in any formal or informal adjudicatory proceeding, the respondent may be assessed the administrative costs of the proceeding as determined by the board. Payment of these costs shall be a condition of satisfying any order issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

§10513. Stay of Enforcement

A. The filing of a petition for judicial review does not itself stay enforcement of an order issued by the board. A stay of enforcement will be granted only when directed by the court conducting a judicial review of adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the March 20, 2005 Louisiana Register: The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested parties are invited to submit written comments on the proposed regulations through March 7, 2005 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Appraisers Board, Box 14785, Baton Rouge, LA, 70898-4785 or to 5222 Summa Court, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Real Estate Appraisers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs (savings) anticipated. The program has been fully implemented since 1989. The purpose of the proposed action is to update the rules and regulations so as to coincide with provisions of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue is determined by the number of license applicants and the fees that they remit. Typically, there is an offset between the number of new applicants and those who are lost to non-renewal; however, in this instance, it is anticipated that a small increase in revenue collections will occur as the previously non-licensed real estate appraisers are brought into the program by the mandatory licensing provision in the amended statute.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003, mandates the licensing of all Louisiana real estate appraisers. As a part of this mandate, previously non-licensed appraisers are now subject to license fees and the costs associated with obtaining the required education hours. The purpose of the proposed rules is to establish procedures with which to accomplish the requirements for licensing. There are no additional costs or fees associated with the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed language is written as an extension of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003, and establishes the procedure whereby non-licensed real estate appraisers become licensed, if they are to continue appraising real property. The proposed language also limits the number of trainees that may be supervised by a licensed certified residential or general real estate appraiser.

Julius C.Willie	Robert E. Hosse
Executive Director	General Government Section Director
0503#054	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Physicians and Surgeons Licensure
(LAC 46:XLV.303, 311, 353, 385, 407, 413, 415, 418, 419, 437 and 447)

Notice is hereby given in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and the provisions of the Louisiana Administrative Procedure Act, intends to amend its rules governing the licensure of physicians LAC 46:XLV, Subpart 2, Chapter 3, §§303, 311, 353, 385, 407, 413, 415, 418, 419, 437 and 447. The proposed amendments recognize and accept the Comprehensive Osteopathic Medical Licensing Examination ("COMLEX-USA") offered by the National Board of Osteopathic Medical Examiners (the "NBOME") and the predecessor examination to the COMLEX-USA, the NBOME, in satisfaction of the requirements prerequisite to consideration for full and unrestricted medical licensure in Louisiana. Such amendments also recognize and accept specialty board certification granted by the American Osteopathic Association and clinical competency testing in the form of the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA ("COMVEX-USA"), in satisfaction of the requirements prerequisite to medical licensure consideration based on reciprocity and other purposes specified in the proposed rules.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 3. Physicians
Subchapter A. General Provisions
§303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

ABMS the American Board of Medical Specialties.

AOA the American Osteopathic Association.

* * *

COMLEX-USA the Comprehensive Osteopathic Medical Licensing Examination-USA.

COMVEX-USA the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA administered under the auspices of the NBOME.

FSMB the Federation of State Medical Boards of the United States, Inc.

* * *

NBOME the National Board of Osteopathic Medical Examiners.

* * *

SPEX the Special Purpose Examination administered under the auspices of the FSMB.

* * *

USMLE the United States Medical Licensing Examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:

Subchapter B. Graduates of American and Canadian Medical Schools and Colleges
§311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 4.b. ...

5. have within the prior 10 years, in conformity with the restrictions and limitations prescribed by §387 of these rules, and subject to the exception provided for certain applicants for licensure by reciprocity provided by §353, taken and passed:

a. - g. ...

h. all three levels of the COMLEX-USA examination, or its predecessor, the NBOME, or any combination thereof; and

6. have completed at least one year of postgraduate clinical training in a medical internship or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the American Osteopathic Association (AOA), or by the Royal College of Physicians and Surgeons (RCPS) of Canada, and approved by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:836 (June 2001), LR 31:

Subchapter E. Licensure by Reciprocity

§353. Qualifications for Medical Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§311 and 313 of this Chapter, save for successfully passing the examinations in the manner specified by §311.A.5.a-h within the prior 10 years, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice medicine issued by the medical (whether allopathic or osteopathic) licensing authority of another state, and the applicant has, within 10 years prior to the date of application, taken and successfully passed a written certification or recertification examination administered by and leading to certification or recertification by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by §353.A, save for having taken or passed a written medical competence examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant has, within 10 years prior to the date of application, taken and successfully passed the Special Purpose Examination (SPEX), administered under the auspices of the Federation of State Medical Boards of the United States, Inc. (FSMB), or the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA (COMVEX-USA), administered under the auspices of the NBOME, as may be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1276.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 14:149 (March 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:516 (June 1990), LR 22:209 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:839 (June 2001), LR 31:

Subchapter G. Examination

§385. Passing Scores

A. - B. ...

C. A person who is required to and does take the SPEX or COMVEX-USA examination will be deemed to have successfully passed the examination if he attains a score of at least 75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:912 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:519 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:842 (June 2001), LR 31:

Subchapter H. Restricted Licensure, Permits

§407. Permit Pending Examination Results

A. ...

B. The board may issue a temporary permit to an applicant for licensure by reciprocity (§§351 to 353) who is required by §353 to take the SPEX, the COMVEX-USA or a certification or recertification examination, but who has not yet taken SPEX, the COMVEX-USA or a certification or recertification examination or whose scores have not yet been reported to the board or the applicant, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this Chapter save for having successfully passed the SPEX, the COMVEX-USA or a certification or recertification examination (§353), and provided further that the applicant has registered for the next available administration of the SPEX, the COMVEX-USA or a certification or recertification examination and has not previously taken and failed to achieve a passing score on the SPEX, the COMVEX-USA or any portion of a certification or recertification examination more than three times.

C. A permit issued under this Section shall expire, and thereby become null, void, and to no effect on the date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination for which he was registered;

2. - 3. ...

4. the holder of a permit issued under §407.B fails to appear for and take the SPEX, the COMVEX-USA or the certification or recertification examination for which he is registered or the earlier of the date on which the board or the permit holder receives notice from the entity or specialty board administering such examination that he has failed to achieve a passing score on any portion of the certification or recertification examination for which he was registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272, R.S. 37:1273 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:521 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:846 (June 2001), LR 31:

Subchapter I. License Issuance, Termination, Renewal and Reinstatement

§413. Issuance of License

A. ...

B. A license issued under §311 of this Chapter shall be issued by the board within 30 days following the reporting of the applicant's passing scores to the board. A license issued under any other section of this Chapter shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:848 (June 2001), LR 31:

§415. Expiration of Licenses and Permits

A. ...

B. A license issued pursuant to the waiver of qualifications provided by §315 of this Chapter shall become null and void on the earlier of the date prescribed by §415.A or the date on which the physician's appointment as a professor to the medical school or college, upon which the waiver was granted by the board, is terminated.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by §417 of this Chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 27:848 (June 2001), LR 31:

§418. Reduced Renewal Fees for Certain Physicians

A. - B.3. ...

C. A physician whose medical license is renewed pursuant to this Section shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), repromulgated LR 27:848 (June 2001), LR 31:

§419. Reinstatement of Expired License

A. ...

B. An applicant seeking reinstatement more than one year from the date on which his license expired shall demonstrate, as a condition of reinstatement, satisfaction of the continuing medical education requirements of §§433-449 of Subchapter K of these rules for each year since the date of the expiration of licensure. As additional conditions of reinstatement the board may require:

1. - 2. ...

3. if the applicant does not at the time of the application for reinstatement possess a current, unrestricted license issued by another state, that the applicant take and successfully pass:

a. all or a designated portion of the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination; or

b. a written certification or recertification examination by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 14:86 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:524 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:849 (June 2001), LR 31:

Subchapter K. Continuing Medical Education

§437. Qualifying Continuing Medical Education Programs

A. Any program, course, seminar or other activity offering Category 1 CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. ...

2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:

§447. Exceptions to the Continuing Medical Education Requirements

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. - 2. ...

3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:

Family Impact Statement

The proposed Rule amendments have no known impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule amendments until 4 p.m., April 14, 2005, to John B. Bobear, M.D., Executive Director, Louisiana State Board of Medical Examiners, at Post Office Box 30250, New Orleans, LA, 70190-0250 (630 Camp Street, New Orleans, LA, 70130).

John B. Bobear, M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Physicans and SurgeonsCLicensure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the rule publication costs, which are estimated to be $816 in FY 05, it is not anticipated that the proposed rule amendments will result in any material costs or savings to the Board of Medical Examiners or any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will have any material effect on the revenue collections of the Board of Medical Examiners or of any state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed rule amendments will have any material impact on the receipts and/or income of physicians. Osteopathic physicians who currently hold a training permit issued by the Board or applicants who may apply for a license to practice medicine in the state will positively be affected by the proposed rule amendments, which seek to recognize osteopathic licensing and clinical competency examinations and osteopathic specialty board certification for purposes of medical licensure in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendments are not anticipated to have a material impact on competition and employment in either the public or private sector. By recognizing the osteopathic licensing and clinical competency examinations and specialty board certification in satisfaction of the requirements for medical licensure in Louisiana the rule amendments may, to an extent that is not quantifiable, serve to increase the osteopathic physician population in this state.

John M. Bobear, M.D.
Executive Director
0503#046

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Professional and Occupational Standards for
Advanced Practice Registered Nurses
(LAC 46:XLVII.Chapter 45)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the board by R.S.37:918, R.S.37:920 intends to amend the Professional and Occupational Standards pertaining Advanced Practice Registered Nurses. The proposed amendments of the rules are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 2. Registered Nurses
Chapter 45. Advanced Practice Registered Nurses

§4501. Introduction

A. Louisiana Revised Statutes of 1950, specifically R.S. 37:911 et seq., delegated to the Louisiana State Board of Nursing the responsibility to authorize additional acts to be performed by registered nurses practicing in expanded roles and gave the board of nursing the power to set standards for nurses practicing in specialized roles. From 1981 to 1995, the board recognized advanced practitioners of nursing as certified nurse-midwives, certified registered nurse anesthetists, clinical nurse specialists, and primary nurse associates.

B. In 1995, the Louisiana Legislature amended R.S. 37:911 et seq., empowering the board of nursing to use the term advanced practice registered nurse (APRN) to license a registered nurse with advanced education as provided in R.S. 37:913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 31:

§4503. Titles

A. Advanced practice registered nurse (APRN) means a licensed registered nurse who is certified by a nationally recognized certifying body, such as the American Nurses Credentialing Center, as having an advanced nursing specialty as described in §4507 and who meets the criteria for an advanced practice registered nurse as established by the board.

B. A nurse licensed as an Advanced Practice Registered Nurse (APRN) shall include, but not be limited to, the following functional roles.

1. *Certified Nurse Midwife (CNM)* an advanced practice registered nurse educated in the disciplines of nursing and midwifery and certified according to a nationally recognized certifying body, such as the American

College of Nurse Midwives Certification Council, as approved by the board and who is authorized to manage the nurse midwifery care of newborns and women in the antepartum, intrapartum, postpartum, and/or gynecological periods.

2. *Certified Registered Nurse Anesthetist (CRNA)* an advanced practice registered nurse educated in the field of nurse anesthesia and certified according to the requirements of a nationally recognized certifying body such as the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, as approved by the board and who is authorized to select and administer anesthetics or ancillary services to patients under their care.

3. *Clinical Nurse Specialist (CNS)* an advanced practice registered nurse educated in a recognized nursing specialty area who is certified according to the requirements of a nationally recognized certifying body such as the American Nurses Credentialing Center, as approved by the board and who is authorized to provide direct nursing care to a select population in a recognized nursing specialty area, and plans, guides, and directs care given by other nursing personnel.

4. *Nurse Practitioner (NP)* an advanced practice registered nurse educated in a specified area of care and certified according to the requirements of a nationally recognized accrediting agency such as the American Nurses Credentialing Center, National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties, or the National Certification Board of Pediatric Nurse Practitioners and Nurses, or as approved by the board and who is authorized to provide primary, acute, or chronic care as an advanced nurse practitioner acting within his scope of practice to individuals, families, and other groups in a variety of settings including, but not limited to, homes, institutions, offices, industry, schools, and other community agencies.

5. *Registered Nurse Anesthetist (RNA)* as provided for in R.S.37:930.B.

C. A licensed Advanced Practice Registered Nurse must use the title "APRN" unless the title is CRNA or RNA. The category of certification and/or education designation may be used before or after APRN as follows.

1. Certification

a. CNM Certified Nurse Midwife;

b. CRNA Certified Registered Nurse Anesthetist;

c. CNS Clinical Nurse Specialist plus area of specialty, i.e., CNS, Medical/ Surgical;

d. NP Nurse Practitioner plus area of specialty, i.e., FNP for Family Nurse Practitioner.

2. Education

a. MSN, MN, MS or other appropriate degree at the master's level;

b. DNS, EdD, PhD, or other appropriate degree at the doctorate level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:723 (May 2001), LR 31:

§4505. Definitions

Advanced Practice Certification certification by a nationally recognized certifying body approved by the board.

Advanced Practice Nursing Education Program a program whose purpose is to prepare advanced practitioners of nursing and whose graduates are eligible for certification as an Advanced Practice Registered Nurse.

Advanced Practice Registered Nurse Student any licensed registered nurse enrolled as a student in an educational program which prepares the individual for APRN licensure.

Advanced Practice Registered Nursing nursing by a certified registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or nurse practitioner which is based on knowledge and skills acquired in a basic nursing education program, licensure as a registered nurse, and a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty which includes both didactic and clinical components, advanced knowledge in nursing theory, physical and psychosocial assessment, nursing interventions, and management of health care.

Advanced Practice Registered Nursing Specialty a designated area of advanced practice in which the registered nurse holds a master's degree with a concentration in the respective area of practice that includes both the didactic and clinical components, advanced knowledge in nursing theory, physical and psychosocial assessment, nursing interventions, and management of health care and also prepares the APRN for national certification.

Approval a status indicating the program has met the legal standards established by the board.

Approved Program a nursing education program approved by the board.

Assessment Studies diagnostic studies including, but not limited to laboratory testing, radiologic studies, electrocardiograms, pulmonary function tests. and pharmaceutical diagnostic testing.

Board the Louisiana State Board of Nursing.

Clinical Practice Guidelines refers to written documents, jointly agreed upon by the collaborating professionals that describe a specific plan, arrangement, or sequence of orders, steps, or procedures to be followed or carried out in providing patient care in various clinical situations. These may include textbooks, electronic communications, Internet, etc.

Collaboration a cooperative working relationship with licensed physicians, dentists, or other health care providers to jointly contribute to providing patient care and may include but not be limited to discussion of a patient's diagnosis and cooperation in the management and delivery of health care with each provider performing those activities that he is legally authorized to perform.

Collaborating Physician a physician in active practice with whom the APRN has developed and signed a collaborative practice agreement for prescriptive and distributing authority and who holds a current, unencumbered, unrestricted and valid medical license issued or recognized by the Louisiana State Board of Medical

Examiners and is in good standing with no pending disciplinary proceedings, and practices in accordance with rules of the Louisiana State Board of Medical Examiners.

Collaborative Practice the joint management of the health care of a patient by an advanced practice registered nurse performing advanced practice registered nursing and one or more consulting physicians or dentists. Except as otherwise provided in R.S. 37:930, acts of medical diagnosis and prescription by an advanced practice registered nurse shall be in accordance with a collaborative practice agreement.

Collaborative Practice Agreement a formal written statement addressing the parameters of the collaborative practice which are mutually agreed upon by the advanced practice registered nurse and one or more licensed physicians or dentists which shall include but not be limited to the following provisions:

1. availability of the collaborating physician or dentist for consultation or referral, or both;
2. methods of management of the collaborative practice which shall include clinical practice guidelines;
3. coverage of the health care needs of a patient during any absence of the advanced practice registered nurse, physician, or dentist.

Contact Hour a unit of measurement that describes 50 minutes of participation in an educational activity, which meets the board's continuing education criteria. Ten contact hours equal one continuing education unit (C.E.U.).

Controlled Substance any substance defined, enumerated, or included in federal or state statute or regulations 21 CRFFR"1208.11-15 or R.S. 40:964, or any substance which may hereafter be designed as a controlled substance by amendment of supplementation or such regulations and statute.

Cooperating Agency an organization, institution or agency which by agreement accepts Advanced Practice Registered Nurse students for educational experiences

Course a distinct unit of instruction which has been organized for presentation with a specific time frame. This includes all related learning experiences deemed necessary by the faculty to meet the stated objectives.

Curriculum the planned studies and learning activities designed to lead to graduation and eligibility for advanced practice registered nurse licensure.

Distance Education teaching learning strategies to meet the needs of students who are physically separated from the faculty.

Distance Education Technology the methods and technical support used to teach students who may be physically distant from the faculty. The methods may include audio conference, compressed video, electronic mail, and the *Internet.*

Distribute, *distribution* or *distributed* the issuing of free samples and other gratuitous medications supplied by drug manufacturers, as defined by clinical practice guidelines contained in a collaborative practice agreement for prescriptive authority.

Electronic Transmission transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

Faculty

1. *Nurse Faculty* a doctorally or master's prepared registered nurse and/or advanced practice registered nurse with academic preparation and experience under written contractual agreement with a parent institution for administration, teaching, clinical supervision of students or research in programs preparing candidates for advanced practice registered nurse licensure.
2. *Support Faculty* an individual with academic preparations and experience in his/her field of specialization who provides services or teaches support courses.
3. *Preceptor/Clinical Practicum Coordinators* an advanced practice registered nurse, physician, dentist, who provides guidance, serves as a role model, resource person, and clinical teacher to enhance the learning experiences of an advanced practice nursing student on a one-to-one basis for a specified time or as specifically approved by the board.

Functional Role the advanced practice role for which a master's in nursing program prepares its graduates. The categories of functional roles for advanced practice licensure include nurse midwives, nurse anesthetists, clinical nurse specialists, and nurse practitioners.

Goals the aims of the program including the expected competencies of the graduate.

Gratuitous Medications the medications provided by the manufacturer to be distributed to indigent populations and/or HIV and STD patients free of charge.

Lapsed APRN License inactive APRN licensure status due to failure to renew or to request inactive licensure status.

Major Change in Curriculum any one of the following shall be deemed to constitute a major change in curriculum:

1. alteration, other than editorial, in program's mission/philosophy and goals;
2. addition or deletion of more than 10 percent of the semester credit hours from the program of studies;
3. departure from current educational practices or methods;
4. addition or deletion of a program or clinical track preparing APRNs.

Medical Therapeutic Device any instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part of accessory, which is required under federal law to bear the label "Rx only". The medical device or appliance shall be within the scope of practice of the Advanced Practice Registered Nurse.

National Professional Accrediting Organization an organization that provides accreditation for educational activity offered by a nursing, medical, or pharmacy association or other educational entities and is approved by the board relative to pharmacotherapeutics.

Objectives the behavioral expectations of the students in courses and throughout the program that lead to the goals of the program.

Parent Institution the organization or agency responsible for the administration and operation of the nursing program.

Philosophy a statement which includes and identifies the beliefs accepted by the faculty and the parent institution related to nursing education.

Preceptorship Experience an individualized teaching-learning strategy in which an advanced practice nursing student participates in clinical nursing practice while assigned to a preceptor.

Prescribe to direct, order, or designate the preparation, use of or manner of using by spoken or written words or by electronic means.

Prescription or Prescription Drug Order an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is preserved on file as required by law or regulation. R.S. 37:14.1164 (44).

Program Head (administrative director) the registered nurse with the authority and responsibility for the administration of the program and implementation of the curriculum. This title is used regardless of the person's official title in the parent institution.

Recommendations statements focusing on areas where there are factors which may impinge on maintenance of standards.

Requirements standards with which educational programs shall comply.

Samples a unit of prescription drug, which is not intended to be sold and is intended to promote the sale of the drug.

Shall a term used to denote a requirement which must be met.

Should a term used to denote a suggested method of meeting a requirement.

Standard a criterion by which performance is measured.

Subspecialty a focus of practice within a specialty assuring expert knowledge of a particular patient problem; e.g., cardiovascular disease, palliative care, oncology, substance abuse, orthopedics, critical care, etc.

Survey the collection of information by the board for its review in granting, continuing or denying approval of a program.

Under the Guidance of an Approved Preceptor guidance by a licensed APRN, physician, dentist, or person approved by the board within the same or related practice specialty or functional role must be accessible but not physically present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:724 (May 2001), LR 31:

§4507. Licensure as Advanced Practice Registered Nurse

A. Initial Licensure

1. The applicant shall meet the following requirements:

a. holds a current, unencumbered, unrestricted and valid registered nurse license in Louisiana and there are no grounds for disciplinary proceedings, as stated in R.S. 37:921;

b. completion of a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and functional role or completion of a post master's concentration in the respective advanced practice nursing specialty and functional role from an accredited college or university that meets the curriculum guidelines established by the board. Exception to the master's degree will be granted to those applicants who provide documentation as requested by the board that, prior to December 31, 1995, the applicant completed or was continuously enrolled in a formalized post-basic education program preparing for the advanced practice nursing specialty and functional role as approved by the board prior to December 31, 1995 as follows:

i. a program of studies offered through an institution of higher education which qualifies the graduate to take a certification examination in the advanced practice specialty and functional role; or

ii. a program of studies accepted by a nationally recognized certifying body which is recognized by the Louisiana State Board of Nursing; or

iii. a program which is individually recognized by the Board of Nursing based on established criteria; as stated in LAC 46:XLVII.4509;

c. submission of a completed application on a form furnished by the board;

d. submission of evidence of current certification in the respective advanced practice nursing specialty and functional role by a nationally recognized certifying body approved by the board. When specialty and functional role certification is not available, in addition to meeting the above requirements, the individual will be required to meet the commensurate requirements specified below in Subsection 3;

e. submission of a non-refundable fee as specified in LAC 46:XLVII.3341;

f. after initial licensure, applicants seeking licensure for advanced practice in an additional specialty and/or functional role shall meet the requirements stated in LAC 46:XLVII.4507.A.1.a-d.

2. The board will verify all licensure and certification requirements via primary source verification as requested including (a) Licensure (b) Education (c) Certification and information relevant to the practice of the APRN.

3. Commensurate Requirements when certification is not available:

a. hold the minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and functional role from a regionally accredited college or university or a program otherwise approved by the board and has practiced with a APRN temporary permit for a minimum of six months to a maximum of 24 months; and

b. have provided a minimum of 800 hours of patient care under the direction of an approved preceptor within the past 24 months; up to 400 of these may be earned through clinical practicum in a master's program;

c. submit an affidavit for waiver of Certification Examination on a form provided by the board.

4. An APRN license shall be issued with an expiration date that coincides with the applicant's RN license.

B. Temporary Permit: Initial Applicants

1. An APRN applicant who possesses a current RN license or a valid RN temporary permit, may be granted a temporary permit for a maximum of 120 days which allows the applicant to practice under the guidance of a licensed APRN, physician, dentist or approved preceptor within the practice specialty and functional role of the applicant, except

as provided for in R.S.37:930.A.3. Evidence must be submitted to the board delineating that the applicant:

a. is in the process of applying for initial licensure under LAC 46:XLVII.4507.A; and

b. has been accepted as a first-time candidate for the appropriate national professional certification examination; or

c. in the process of meeting the practice eligibility requirements for the appropriate national professional certification examination for the advanced nursing practice specialty and functional role as recognized by the board; or

d. in the process of meeting the practice requirements for licensure by commensurate requirements; or

e. is awaiting certification results based upon initial application; and

f. there are no grounds for disciplinary proceedings as stated in R.S. 37:921.

2. A nurse practicing under the temporary permit shall use the title advanced practice registered nurse applicant or APRN applicant.

3. Upon receipt of initial certification examination results:

a. the temporary permit shall expire;

b. applicant shall submit or cause to be submitted, a copy of the results to the board;

c. the unsuccessful candidate shall:

i. cease to practice as an APRN applicant (does not prohibit practice as a registered nurse);

ii. return the temporary permit to the board;

iii. notify the employer of the results.

4. Upon completion of the commensurate requirements or at the end of two years, the temporary permit shall expire.

5. An advanced practice registered nurse seeking licensure in either an additional advanced practice nursing specialty and functional role may seek a temporary permit as stated in LAC 46.XLVII.4507.B and D.

6. The APRN temporary permit may be extended to a maximum of 120 days or until receipt of initial certification results.

C. Licensure by Endorsement. The board may issue a license by endorsement if the applicant has practiced as an APRN under the laws of another state and if, in the opinion of the board, the applicant meets the requirements for licensure as an APRN in this jurisdiction.

1. If the applicant is applying from another jurisdiction that licenses the category of APRN for which the applicant is seeking licensure, the applicant shall submit:

a. a completed application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. verification of current RN licensure in this jurisdiction or documentation that the applicant has applied for licensure as a RN and meets the requirements of this jurisdiction, and there are no grounds for disciplinary proceeding as stated in R.S. 37:921;

d. verification of licensure status directly from the jurisdiction of original licensure in the advanced practice category;

e. verification of current unencumbered license in the advanced practice category directly from the jurisdiction of current or most recent employment as an APRN;

f. verification of educational requirements as stated in LAC 46:XLVII.4507.A.1.b;

g. verification of current national certification in the respective specialty and functional role area as recognized by the board; or meets commensurate requirements as specified in LAC 46:XLVII.4507.A.3; and

h. documentation of meeting the requirements in LAC 46:XLVII.4515.

2. If the applicant is applying from a jurisdiction that does not license the APRN category for which the applicant is seeking licensure, the applicant shall submit in addition to Subsections C.1.a, b, c, f, g, and h as stated above:

a. documentation of the applicant's qualifications for advanced practice directly from the board in the state where the applicant first practiced in the APRN category; and

b. documentation of the applicant's qualifications for advanced practice directly from the board in the state where the applicant was last employed in the APRN category.

3. If the applicant is applying from a jurisdiction that does not verify advanced practice or does not meet the endorsement requirements, the applicant shall qualify by meeting the requirements for initial APRN licensure, LAC 46:XLVII.4507.A and B.

D. Temporary Permit: Endorsement Applicants

1. A nurse seeking APRN licensure by endorsement, and has been issued a RN temporary permit, may be issued a temporary permit to practice as an APRN for a maximum of 120 days if the applicant submits:

a. a completed APRN application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. evidence of meeting the educational and certification requirements specified in LAC 46:XLVII.4507.A.1.b and d; or

d. documentation of registration for the certifying examination within 90 days.

2. The APRN temporary permit may be extended until receipt of initial certification results.

E. Renewal of Licenses by Certification, Commensurate Requirements, or Grandfathering

1. The date for renewal of licensure to practice as an APRN shall coincide with renewal of the applicant's RN license. Renewal of the APRN license is contingent upon renewal of the RN license and verification that there are no grounds for disciplinary proceedings as stated in R.S. 37:921. An applicant for renewal of an APRN license shall submit to the board:

a. a completed application on a form furnished by the board;

b. evidence of current certification/recertification, unless the APRN has been licensed by the board in accordance with R.S. 37:912(B)(3)(4); or in accordance with commensurate requirements when certification is not available [R.S. 37:920(A)(2)]. Effective January 1, 2002,

and required for relicensure in 2003, APRNs licensed by the board in accordance with commensurate requirements when certification is not available [R.S. 37:920(A)(2)] shall comply with the requirements specified in §4507.E.2. below; and

c. the licensure renewal fee as specified in LAC 46:XLVII.3341.

2. APRNs initially licensed in accordance with R.S. 37:912(B)(3)(4) (grand-fathered) and who are not advanced practice certified, or R.S. 37:920(A)(2) and LAC 46:XLVII.4507.A.3 whose category and area of specialization does not provide for certification/re-certification (commensurate requirements) shall submit the following documentation for renewal, in addition to meeting the requirements specified above in §4507.E.1.a-c:

a. a minimum of 300 hours of practice in advanced practice registered nursing, as defined in R.S.37:913.3.a, within a 12-month period; and

b. a minimum of 2 college credit hours per year of relevance to the advanced practice role; or

c. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. CMEs (Continuing Medical Education Units) may be approved by the board to meet this requirement;

d. the above Subparagraphs b or c will meet the C.E. Requirements for the registered nurse and the advanced practice registered nurse licensure renewal.

F. Reinstatement of an APRN License

1. An APRN who has failed to renew his/her license, or has had an inactive licensure status, may apply for reinstatement by submitting to the board:

a. evidence of current RN licensure;

b. completed application on a form furnished by the board;

c. evidence of current certification/recertification by a national certifying body accepted by the board; or

d. APRNs initially licensed in accordance with R.S. 37:912(B)(3)(4) or 920(A)(2) and LAC 46:XLVII.4507.A.3 whose specialty and functional role does not provide for certification/recertification shall submit the following documentation for each year of inactive or lapsed status:

i. a minimum of 300 hours of practice as a fully licensed or permitted advanced practice registered nurse for each year of inactive or lapsed status up to a maximum of 800 hours; and

ii. a minimum of two college credit hours per year of relevance to the advanced practice role; or

iii. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. CMEs (Continuing Medical Education Units) may be approved by the board to meet this requirement; and

e. the required fee as specified in LAC 46:XLVII.3341.

2. Reinstatement of an APRN license for an applicant seeking to meet §4507.F.1.c or d, in addition to meeting the above requirements in Clauses F.1.a, b, and e, the applicant shall:

a. apply for a six month temporary permit to practice under the guidance of a clinical preceptor approved by the board which may be extended to a maximum of two years; and

b. practice under the temporary permit and current practice standards set forth by the respective advanced practice nursing specialty and functional role; and

c. successfully complete the number of clinical practice hours required by the national certifying body approved by the board, if seeking certification/recertification, under the guidance of a preceptor approved by the board; and

d. submit evidence of current certification by a national certifying body approved by the board; or

e. if seeking commensurate requirements the applicant must practice under the guidance of a clinical preceptor approved by the board for a minimum of 800 hours of clinical practice in the area of clinical specialization when specialty certification is not available; and

f. submit evidence of compliance with §4507.E.2 b. or c. for each year of inactive or lapsed status; and

g. submit a final evaluation by the approved preceptor verifying successful completion of six months of full time practice or the equivalent hours in the area of specialization (minimum of 800 hours).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:580 (April 2003), LR 31:

§4509. Educational Requirements

A. Duties of the Board Directly Related to Nursing Education Programs

1. The authority of the Board of Nursing relating to nursing education programs is contained in the Louisiana Revised Statues, Title 37, Section 911, et seq., and as amended.

2. Section 918, Duties and powers of the board states that the board shall:

a. establish and publish minimum curriculum requirements and standards for individuals seeking to be licensed under this Part;

b. approve nursing education programs whose graduates meet the licensing requirements of the board;

c. provide for hearings for nurse educational programs when approval is denied or withdrawn;

d. establish and publish standards of nursing practice and education in accordance with those developed and accepted by the profession;

e. adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.

B. Fees

1. Not withstanding any other provisions of this Chapter, the Board shall collect in advance fees for education services as follows:

School Approval Site Visit	$500/site Visit per Institution
School Annual Report	$ 50 per Institution

C. Purposes of Approval

1. To promote the safe practice of nursing by establishing standards for programs preparing individuals seeking licensure as advanced practice registered nurses in Louisiana.

2. To grant legal recognition to nursing education programs which upon survey and evaluation are determined by the board to have met the standards.

3. To assure graduates of these programs that they meet the educational and legal requirements for advanced practice registered nurses and to facilitate their endorsement to other states and countries.

4. To assure continuous evaluation and improvement of graduate nursing programs and graduate nursing education to prepare candidates for advanced practice registered nurse licensure.

5. To provide the public and prospective students with a list of graduate nursing programs that meet the standards established by the board.

D. Types of Approval

1. Initial

a. Initial approval is granted to a new program which upon application by the parent institution and after survey and board evaluation, is determined by the board to be eligible to admit students to the graduate nursing educational program to prepare candidates for advanced practice registered nurse licensure.

b. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

2. Full. Full approval is granted to a graduate program that meets all standards established by the board.

3. Conditional. A graduate nursing program shall be placed on conditional approval when the board has determined that it fails to meet one or more of the established standards.

E. Standards and Requirements for Graduate Nursing Education Program preparing candidates for advanced practice registered nurse licensure.

1. Mission/Philosophy and Goals

a. The graduate nursing education program shall have a clear statement of mission/philosophy, consistent with the mission of the parent institution and congruent with current concepts in nursing education relevant to the respective advanced practice specialty and functional role preparation.

b. The program shall meet the educational requirements for the nationally recognized certifying body whose certification program graduates are prepared to pursue as accepted by the board.

c. The competencies of the graduates shall be clearly delineated.

d. Distance education programming is consistent with the mission and goals of the nursing unit and the governing organization.

F. Administration, Organization, Control

1. The educational program shall be an academic unit of a regionally accredited college or university which offers a graduate degree with a major in nursing or a graduate degree with a concentration in the advanced practice registered nurse specialty as defined in R.S.37:913(1).

2. There shall be a governing body which has legal authority to conduct the nursing program, determine general policy and provide financial support.

3. The parent institution shall be approved by the appropriate accrediting bodies.

4. The program shall have comparable status with other educational units within the organizational structure of the parent institution.

5. The parent institution shall have an organizational chart which delineates the lines of responsibility and authority.

6. The program shall notify the board in writing, within two weeks, when there has been a change in the control of the institution, administrative head of the program, or the accreditation status of the educational facilities.

7. The program head shall have the authority and responsibility to administer the program in respect to:

a. the instructional program;

b. budget planning and management; and

c. administrative arrangements for faculty, staff and students.

G. Faculty and Faculty Organization

1. Faculty Body. There shall be qualified faculty adequate in numbers to implement the program in nursing in relation to its stated mission/philosophy and goals.

2. Qualifications

a. The program head and each nurse faculty member shall hold a current license to practice as a registered nurse in Louisiana and shall be appointed in compliance with state and federal laws on non-discrimination.

b. The program head (administrative director) of an advanced practice registered nurse program shall hold an earned doctorate, and shall have a minimum of three years experience in the areas of nursing education and three years in clinical practice.

c. The APRN faculty member shall hold a minimum of a master's degree in nursing. APRN nursing faculty teaching advanced practice specialty content must be licensed in advanced practice in that advanced practice or related specialty.

d. Other credentialed providers may be utilized to provide content relevant to the advanced practice role in support courses.

e. The educational component of the APRN program shall be coordinated by a lead faculty member who is educated and nationally certified in the same specialty area and licensed as an APRN in the state of Louisiana.

f. APRN nurse faculty shall have sufficient mix of full time and part-time faculty to support the functional roles.

g. APRN faculty teaching clinical courses must have institutional support to maintain currency in clinical practice.

h. APRN faculty must demonstrate competence in clinical practice and teaching which may include continued national certification or continuing education requirements.

i. Exceptions to the academic qualifications for nurse faculty shall be justified and approved under board-established guidelines until December 31, 2010, at which time all nurse faculty shall be required to hold an APRN license and academic preparation in their respective advanced practice specialty.

3. Nurse faculty shall function under the same policies established for other faculty in the parent institution.

4. Policies for nurse faculty shall include but not be limited to:

a. qualifications for the position;

b. contract or letter of appointment to delineate terms of appointment, functions and responsibilities of the position;

c. salary scale, promotion, retirement, vacation, sick leave, leave of absence for personal and professional growth and health care benefits;

d. a written plan for performance evaluation of faculty shall be established and utilized on a continuing basis.

5. A nurse faculty organization shall be established consistent with the parent institution and shall have clearly delineated bylaws.

6. Faculty workloads shall allow time for class and laboratory preparation, teaching, program revision, improvement in teaching methods, guidance of students, participation in faculty organizations and committees, research and scholarly endeavors, attendance at professional meetings and participation in continuing education programs.

7. Nurse faculty shall select, guide and evaluate all learning experiences in the program.

H. Student Selection and Guidance

1. Admission standards for entry into the APRN program shall be established, published, and shall reflect ongoing involvement by APRN faculty.

2. Qualified applicants shall be considered for admission without discrimination and in compliance with applicable state and federal laws and regulations.

3. Placement and advisement in the program by examinations, previous education, or both, shall be consistent with the parent institution.

4. Progression, transfer, termination and graduation policies shall be established and published. Any progression criteria specific to the APRN program/track reflect involvement by APRN faculty.

5. Information on the approval and accreditation status of the program, policies on tuition rebates, health care and counseling services shall be in writing.

6. Accurate information about the program shall be presented in recruitment and related activities.

7. Students shall be provided opportunity for input into the program.

8. Students' records shall be safeguarded and their confidentiality shall be maintained.

9. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921, LAC 46:XLVII.3403 and LAC 46:XLVII.3331.

I. Guidelines for Advanced Practice Registered Nurse Students' Clinical Practicum

1. Advanced practice registered nursing students shall perform advanced practice nursing functions under the guidance of a qualified instructor or preceptor, (as defined in LAC 46:XLVII.4505), as a part of their program of study.

2. The clinical practicum shall be a minimum of 500 supervised clinical hours in direct nurse/client care. Specialty tracks that provide care to multiple age groups or prepare the APRN to function in multiple care settings will require more than 500 hours.

3. Dual track nurse practitioner advanced practice programs (two specialties) or combined nurse practitioner/clinical nurse specialist programs shall include content and clinical experience in both functional roles and specialties.

4. Out-of-state schools shall request in writing to the board and have approved, any request to initiate a clinical practicum in Louisiana. The out-of-state program must provide evidence of approval by the Louisiana Board of Regents to provide instruction in Louisiana. The "out of state school" shall provide evidence of LSBN Board approval to the clinical site coordinator prior to practicum. The following information relative to advanced practice registered nurse student (s) shall be submitted:

a. student(s) name;

b the clinical practice setting;

c. the credentials of the instructor/preceptor; and

d. evidence of RN licensure in Louisiana.

J. Facilities, Resources, Services

1. An identifiable physical facility for nursing shall be provided by the parent institution.

2. Classrooms, conference rooms, multipurpose rooms, learning laboratories and library resources shall be provided.

3. Offices for administrative personnel, faculty and support staff shall be provided.

4. Storage space for safeguarding student and faculty records, for equipment and instructional materials shall be provided to meet the needs of the program.

5. Nursing library resources shall be comprehensive, current and accessible.

6. Secretarial and support services shall be provided to meet the needs of the program.

7. Clinical facilities shall be available in sufficient numbers and variety to meet the needs of the program.

K. Curriculum

1. The APRN faculty shall periodically review, evaluate and revise as appropriate the mission philosophy, and goals of the program.

2. The mission/philosophy and goals shall be used by the faculty in planning, implementing and evaluating the total program.

3. The goals shall be consistent with the mission and describe the expected competencies of the graduate.

4. The curriculum shall include, but not be limited to content in advanced pathophysiology, advanced pharmacology, advanced assessment and diagnostic reasoning, and management of health care status and shall evidence appropriate course sequencing.

5. The APRN program track has a minimum of 500 supervised clinical hours overall. Specialty tracks that provide care to multiple age groups and care settings will require additional hours as distributed in a way that represents the populations served.

6. There shall be provisions for the recognition of prior learning and advanced placement in the curriculum for those individuals who hold a master's in nursing who are seeking to qualify for recognition in a different specialty or functional role. Post-Master's (PM) nursing students must complete the requirements of a master's APRN program through a formal graduate level certificate or master's level track in the desired functional role and specialty. PM students must master the same outcome criteria as Master's level students. PM students are required to complete a minimum of 500 supervised clinical hours.

L. Program Evaluation

1. The program has a systematic plan for program evaluation and assessment and documents the use of data in decision making for program development, maintenance, and revision which includes the following:

a. mission/philosophy, outcomes of the curriculum;

b. teaching/learning experiences;

c. expected competencies of the graduate;

d. student(s) evaluations of courses;

e. faculty evaluations of students;

f. performance of graduates on the appropriate certification exam;

g. follow-up studies of the graduates;

h. employment functioning of the graduates; and

i. evaluation of faculty performance.

2. The program evaluation plan shall document that the curriculum prepares graduates to meet the standards for the advanced practice registered nurse as specified in LAC 46:XLVII.4513.

M. Major Curriculum Change

1. Major curriculum changes shall be approved by the board at a regularly scheduled meeting of the board at least six months prior to the date of implementation.

2. An approved graduate program seeking to add a specialty or functional role to its existing graduate nursing program shall be approved by the board at least six months prior to the date of implementation.

N. Records and Reports

1. The nursing education program and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with accepted academic standards.

a. Student Records

i. Each student's records include an application, progression evaluation, and graduation forms which are kept on file for a minimum of one year after graduation or three years after termination from the program if the student does not graduate.

ii. The application and final transcript are kept on file permanently.

2. Faculty Records. Faculty records shall be on file in the nursing education program and/or in the parent institution and shall be in compliance with existing federal, state and institutional requirements.

3. Other records shall be kept on file and shall include:

a current program bulletin;

b. current budget and fiscal reports;

c. current contracts with cooperating agencies;

d. minutes of nurse faculty committee meetings;

e. follow up studies of the graduates; and

f. program self-evaluation studies.

4. The nursing education program submits to the board the following reports:

a. annual report on the form provided by the board;

b. interim reports on the form provided by the board;

c. self-study report on the form provided by the board; and

d. other reports as deemed necessary by the board.

O. Procedure for Terminating a Program

1. Voluntary Termination

a. The board shall be notified when a decision has been made to close a program.

b. All of the board's standards shall be maintained until all students have transferred to another program or have graduated.

c. All students shall have assistance with transfers to another program and a list of these students shall be submitted to the board.

d. The following records shall be retained:

i. student's application to the program;

ii. student's final transcript;

iii. each curriculum plan offered; and

iv. list of each graduating class and date of graduation.

2. Involuntary Termination

a. The board shall be notified of the arrangements for safe storage of the permanent records of the program and its students' records.

b. The following records shall be retained:

i. student's application to the program;

ii. student's final transcript;

iii. each curriculum plan offered; and

iv. a list of each graduating class and date of graduation.

P. Procedure for Establishing a New Program

1. Step I

a. A parent institution wishing to establish a new graduate program or to add a new specialty and/or functional role to prepare candidates for advanced practice registered nurse licensure in nursing shall submit the following at least one year in advance of anticipated date for admission of students:

i. a written notice of intent to establish a new graduate APRN program in nursing or to add a new specialty and/or functional role, stating the purpose and type of program;

ii. documented evidence of approval from the parent institution and the appropriate governing board to award the appropriate degree or specialty and/or functional role and a copy of the current bulletin or catalog; and

iii. a report of a feasibility study documenting a need for the program or specialty and/or functional role. The study shall include evidence of:

(a). nurse manpower studies which validate need for the program as it relates to total state resources and graduate nursing education in the state, and the potential impact on other graduate nursing education programs within the state;

(b). availability of qualified nurse faculty and support faculty;

(c). adequate academic facilities and qualified preceptors to meet the needs of the program;

(d). adequate financial resources for planning, implementing and continuing the program;

(e). commitment of administration to support the program;

(f). community support;

(g). a proposed time schedule for initiating and expanding the program; and

(h). an available pool of potential students.

b. Representatives of the parent institution shall meet with the board at a regularly scheduled board meeting

to review the notice of intent, the report of the feasibility study and any other information submitted. Based on its review the board shall give written notification to the parent institution that:

i. supplementary information is needed; or

ii. the notice of intent to establish a new graduate program or to add a new specialty and/or functional role is sanctioned and the parent institution may continue with the plan to establish the program; or

iii. public announcements of the opening of the proposed program and preadmission of students shall not occur prior to the receipt of initial board approval; or

iv. the application is not sanctioned, the reasons therefor, and all planning must cease.

2. Step II

a. If the parent institution is granted sanction by the board to proceed with the development of the program a qualified program head shall be employed a minimum of 12 months prior to the admission of the first class of students.

b. The program head shall have the authority and responsibility to develop:

i. an organizational structure for the program;

ii. an organizational chart;

iii. a constitution and bylaws;

iv. administrative policies and procedures;

v. policies for screening and recommending candidates for faculty appointments and for retention and promotion of faculty (See §3515);

vi. a budget;

vii. a plan for the use of appropriate preceptors and or clinical agencies;

viii. a sample contractual agreement with clinical preceptors and/or cooperating agencies; and

ix. a plan for the use of academic facilities and resources.

c. The program head shall appoint a minimum of four full-time nurse faculty whose background includes:

i. experience in curriculum design;

ii. previous teaching experience in a nursing education program of the same academic level as the proposed program; and

iii. clinical nursing practice for a minimum of two years.

d. Faculty shall be appointed at least six months prior to admission of students.

e. The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

i. mission/philosophy and goals;

ii. curriculum plan;

iii. course objectives;

iv. course outlines;

v. evaluation plan and methods;

vi. admission, progression and graduation criteria;

vii. policies for protecting students' rights, their safety and welfare, and for guidance and counseling; and

viii. plan for utilization of the proposed program.

f. The program head may petition the board for an initial survey visit.

3. Step III

a. Initial approval may be requested after an on-site survey by a representative of the board.

b. After initial approval is granted, students may be admitted to the program.

4. Step IV

a. Within the first academic year, a representative of the board shall conduct an on-site survey of the program.

5. Step V

a. Full approval shall be requested after members of the first class of graduates write and receive the results of the first certification examination. Additionally, an on-site survey shall be requested and upon presentation of evidence that standards of the board have been met, full approval may be granted to the program.

b. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

Q. Procedure of Continuing Full Approval

1. On-site surveys shall be made on a scheduled basis, at the discretion of the board, or upon the request of the program.

2. Programs holding full board approval for a minimum of five consecutive years and full national accreditation recognized by the board may request to have board survey visits coordinated with national accreditation visits. Following receipt of the official request by the program, the date of initiation of this process for the program shall be determined by the board.

a. An on-site visit shall be conducted by an authorized representative of the board within six months following each national accreditation visit.

b. To meet the self-study requirements, the national self-study report and the addendum required by the board shall be submitted to the board at least 21 days prior to the scheduled on-site survey visit.

c. A copy of any national accreditation correspondence concerning accreditation and interim reports shall be forwarded to the board.

3. An on-site survey of a nursing education program which does not hold full national accreditation recognized by the board shall be conducted by an authorized representative of the board at least every five years.

4. A written report of the on-site survey is sent to the administrative officer of the parent institution, to the program head, and to all board members.

5. The program head may submit a response to the report of the on-site survey and also be present when the board reviews and acts upon the report.

6. Action relevant to the approval status of the program is taken by the board after an evaluation of:

a. the on-site survey document; or

b. the program's annual report; or

c. evidence that indicates the program fails to meet the standards and requirements.

7. The board shall provide for an evaluation and hearing to determine if a program has met or has failed to meet the standards and requirements and:

a. gives written notice that the standards have been met and continues full approval or restores approval; or

b. gives written notice of specified deficiency(ies) and places the program on conditional approval for a period of one year.

8. A program has the right at any time to present evidence to the board that the deficiency(ies) has been

corrected and may petition the board to restore full approval to the program.

9. No later than 12 months from the date the program was placed on conditional approval, the program shall submit a written report to the board with evidence that the standard(s) have been met, and may petition the board to restore full approval.

10. If a deficiency(ies) cannot be corrected in 12 months, the program shall file a plan for meeting the standard(s) and may petition the board to continue the conditional approval status.

11. Conditional approval status is not granted to a program for more than three consecutive one-year periods.

12. After three consecutive years on conditional approval a program shall not admit any students into the nursing sequence until the board has determined that all standards have been met.

13. The right to appeal the board's decision is afforded any program in accordance with R.S. 37:918(C) and the Louisiana Administrative Procedure Act, Section 965 Appeals.

R. Approval for Nursing Education Programs Whose Administrative Control Is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana

1. Program of Studies. To receive approval by the board for a total program of studies offered in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

a. New programs follow the procedure to establish new programs as specified in LAC 46:XLVII.4509.

b. Programs must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.4509. Upon full approval, the program will be reviewed under the requirements for continued approval, as specified in LAC 46:XLVII.4509.

2. Course/Clinical Offerings. Out-of-state nursing programs offering courses/clinical experiences in Louisiana are expected to maintain the standards required of Louisiana-based programs. The board reserves the right to withdraw the approval of such offerings if adherence to these standards is not maintained. To receive approval by the Board of Nursing for course/clinical offerings in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

a. Approval/Accreditation Requirements. Evidence of approval/accreditation of the nursing program shall be submitted to the board as stipulated below.

i. The nursing program sponsoring the offering shall hold current approval by the Board of Nursing and/or other appropriate approval bodies in the state in which the parent institution is located.

ii. Regional accreditation shall be held by the parent institution.

iii. National accreditation recognized by the board is recommended.

iv. The nursing program sponsoring the course/clinical offering must provide the Board of Nursing with the following materials for review at least four months prior to the scheduled initiation of the offering:

(a). a letter of request for approval to provide the course/clinical offering which indicates the time-frame during which the offering will be conducted, the clinical agency(ies) and the clinical unit(s) to be utilized;

(b). a copy of the mission/philosophy and goals;

(c). a curriculum pattern which lists all courses required within the program of study;

(d.) a course syllabus for the course/clinical experience(s) to be offered which specifies the related objectives of the offering; and

(e). current school catalog.

v. Request for preceptorship learning experiences shall include evidence of compliance with LAC 46:XLVII.4509.U.1, 2, 3 and 4.

vi. A "Faculty Qualification" form shall be submitted for each faculty member providing instruction within the state of Louisiana.

b. Approval

i. Course/clinical offerings by out-of-state nursing programs may be approved for a period of two years, at which time program representatives may petition for renewal of approval for each additional two-year period.

ii. A written report which provides updated and current data relevant to the program shall be submitted as a component of the petition for renewal.

iii. Failure to comply with the requirements established by the board shall result in the immediate withdrawal of the board's approval of course/clinical offerings.

c. Post Approval. A copy of the executed contractual agreement between the academic institution and the clinical facility shall be submitted to the board prior to the initiation of the offering(s).

S. Procedure for Proposed Major Change in Curriculum. A nursing education program proposing a major curriculum change shall submit to the board, six months prior to date of implementation, the following:

1. evidence that the parent institution has approved the curriculum change;

2. rationale for the proposed change;

3. mission/philosophy, goals, course objectives and course outlines;

4. concise presentation of current and proposed curriculum;

5. time table for implementation of the change in curriculum;

6. an explanation of the anticipated effect on currently enrolled students; and

7. planned method for evaluating the results of the change.

T. Procedure for Submitting Required Forms and Reports

1. Annual Report. The nursing education program shall submit 10 copies of an annual report, on a form provided by the board, on the designated date, accompanied by one copy of the current school catalog.

2. Interim Reports

a. A "Faculty Qualification" form shall be submitted on a form provided by the board within two weeks of the time each new faculty member is employed.

b. Any program required to submit a National League for Nursing Accrediting Commission or a Council for Collegiate Nursing Education Interim Report shall submit a copy of the report to the board.

3. Self Study

a. A self-study shall be submitted to the board 21 days prior to the scheduled on-site survey of the program.

b. The national accreditation self study report and the addendum required by the board may be submitted to meet the self-study requirements of the board.

U. Preceptorship Learning Experiences

1. Nurse faculty shall retain the responsibility for selecting and guiding student learning experiences and the evaluation of student performance with input from preceptors.

2. Preceptors shall be selected according to written criteria jointly developed by faculty, nursing administration in the clinical facility, and in accordance with guidelines established by the board.

3. A faculty member shall be available on a frequent basis to preceptors while students are involved in a preceptorship experience.

4. There shall be one preceptor/clinical practicum coordinator per two students during any given real or current time period.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals. Board of Nursing, LR 27:726 (May 2001), amended LR 31:

§4511. Advanced Practice Registered Nurse Professional Certification Programs

A. A national certifying body which meets the following criteria shall be recognized by the board as mandated by R.S. 37:913:

1. credentials nationally;

2. does not require an applicant to be a member of any organization or entity;

3. documents the criteria for applicant eligibility to take an examination for certification and recertification;

4. requires a master's degree as the minimal educational level for certification or otherwise approved by the board;

5. utilizes an application process and credential review which includes documentation that the applicant's didactic education has concentrated in the advanced nursing practice category being certified, and that the applicant's clinical practice is in the specialty and functional role area of certification;

6. uses an examination as a basis for certification in the advanced nursing practice category which meets the following criteria:

a. the examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;

b. the examination represents entry-level practice based on standards in the advanced nursing practice category;

c. the examination represents the knowledge, skills (critical thinking and technical), and role functions essential for the delivery of safe and effective advanced nursing care to the client;

d. the examination content and its distribution are specified in a test plan, based on the job analysis study, that is available to examinees;

e. examination items are reviewed for content validity, cultural sensitivity, and correct scoring using an established mechanism, both before use and periodically;

f. examinations are evaluated for psychometric performance;

g. the passing standard is established using acceptable psychometric methods, and is re-evaluated periodically; and

h. examination security is maintained through established procedures;

7. issues certification based upon passing the examination and meeting all other certification requirements;

8. provides for periodic re-certification which includes review of qualifications and indicators of continued competence, including but not limited to continuing education or examination; and

9. has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan, and scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:283 April 1996), amended LR 31:

§4513. Authorized Practice

A. Collaboration is a process in which an APRN has a relationship with one or more physicians or dentists to deliver health care services .Such collaboration is to be evidenced by the APRN scope of practice and indicates the relationships that they have with physicians or dentists to deal with issues outside their scope of practice.

B. Scope of Practice. An advanced practice registered nurse shall practice as set forth in R.S. 37:913(3)(a) and the standards set forth in these administrative rules. The patient services provided by an APRN shall be in accord with the educational preparation of that APRN. APRNs practicing in accord with R.S.37:913(3)(a) are not required to have a collaborative practice agreement. The APRN who engages in medical diagnosis and management shall have a collaborative practice agreement that includes, but is not limited to, the following provisions: [R.S. 37:913(8) and (9)]

1. availability of the collaborating physician or dentist for consultation or referral, or both;

2. methods of management of the collaborative practice which shall include clinical practice guidelines; and

3. coverage of the health care needs of a patient during any absence of the APRN, physician, or both parties.

C. Standards of Nursing Practice for the Advanced Practice Registered Nurse. Standards of practice are essential for safe practice by the APRN and shall be in accordance with the published professional standards for each recognized specialty and functional role. The core standards for all categories of advanced practice registered nurses include, but are not limited to:

1. an APRN shall meet the standards of practice for registered nurses as defined in LAC 46:XLVII.3901-3915;

2. an APRN shall assess patients at an advanced level, identify abnormal conditions, analyze and synthesize data to

establish a diagnosis, develop and implement treatment plans, and evaluate patient outcomes;

3. the APRN shall use advanced knowledge and skills in providing patients and health team members with guidance and teaching;

4. an APRN shall use critical thinking and independent decision-making at an advanced level, commensurate with the autonomy, authority, and responsibility of the specialty and functional role while working with patients and their families in meeting health care needs;

5. an APRN shall demonstrate knowledge of the statutes and rules governing advanced registered nursing practice and function within the legal boundaries of the appropriate advanced registered nursing practice role;

6. an APRN shall demonstrate knowledge of and apply current nursing research findings relevant to the advanced nursing specialty and functional role;

7. an APRN shall make decisions to solve patient care problems and select medical treatment regimens in collaboration with a licensed physician or dentist; and

8. an APRN shall retain professional accountability for his/her actions and/or interventions.

D. Prescriptive and Distributing Authority. An Advanced Practice Registered Nurse (APRN) shall practice in a manner consistent with the definition of advanced practice set forth in R.S. 37:913(3). An APRN may be granted prescriptive authority to prescribe assessment studies, including pharmaceutical diagnostic testing (i.e., dobutamine stress testing) legend and certain controlled drugs, therapeutic regimens, medical devices and appliances, receiving and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by a licensed pharmacist, and free samples supplied by a drug manufacturer, and distributing drugs for administration to and use by other individuals within the scope of practice as defined by the board in R.S. 37.913(3)(b).

1. The applicant shall:

a. hold a current, unencumbered, unrestricted and valid registered nurse license in Louisiana with no pending disciplinary proceedings as stated in R.S. 37:921;

b. hold a current, unencumbered, unrestricted and valid APRN license;

c. submit a notarized application on a form provided by the Board with a non-refundable fee as set forth in LAC 46:XLVII.3341;

d. provide evidence of:

i. 500 hours of clinical practice as a licensed APRN or APRN applicant within one year in the clinical specialty for which the applicant was educationally prepared as an APRN immediately prior to applying for prescriptive and distributing authority; practice in another state as a licensed APRN may be accepted to meet this requirement;

ii. successful completion of a minimum of 45 contact hours of education (3 credit hour academic course) in advanced pharmacotherapeutics obtained as a component of a formal educational program preparing registered nurses for advanced practice, approved by the board;

iii. successful completion of a minimum of 45 contact hours (3 credit hour academic course) in physiology/pathophysiology in a formal educational program approved by the board for preparation for advanced practice registered nurses;

iv. any deviation from Clause 1.d.i, ii or iii shall be submitted to the Board for review and approval; and

v. a collaborative practice agreement as defined in §4513.B.1, 2 and 3, with one or more licensed collaborating physicians which shall include, but not be limited to:

(a). a plan of accountability among the parties that:

(i). defines the prescriptive authority of the APRN and the responsibilities of the collaborating physician or physicians;

(ii). delineates a plan for hospital and other healthcare institution admissions and privileges which includes a statement that the collaborating physician must have said privileges at the same institution before an APRN can receive this determination at said institution;

(iii). delineates mechanisms and arrangements for diagnostic and laboratory requests for testing; and

(iv). delineates a plan for documentation of medical records;

(b). clinical practice guidelines as required by R.S. 37:913(9)(b) shall contain documentation of the types or categories or schedules of drugs available and generic substitution for prescription and be in accordance with current standards of care and evidence-based practice for the APRN specialty and functional role and be:

(i). mutually agreed upon by the APRN and collaborating physician;

(ii). specific to the practice setting;

(iii). maintained on site; and

(iv). reviewed and signed at least annually by the APRN and physician to reflect current practice;

(c). documentation of the availability of the collaborating physician when the physician is not physically present in the practice setting. Physicians shall be available to provide consultation as needed:

(i). physician shall be available by telephone or direct telecommunications for consultation, assistance with medical emergencies, or patient referral, as delineated in the collaborative practice agreement; and

(ii). the secondary (back-up) physician or physicians shall be in good standing and approved by the medical board and sign the collaborative practice agreement;

(d). documentation shall be shown that patients are informed about how to access care when both the APRN and collaborating physicians are absent from the practice setting; and

(e). an acknowledgement of the mutual obligation and responsibility of the APRN and collaborating physician to insure that all acts of prescriptive authority are properly documented.

2. Prescriptive Authority

a. Prescribing Controlled Substances and Legend Drugs

i. The LSBN shall review the application, reapplication or renewal, the collaborative practice agreement for prescriptive authority and all related materials and shall approve, modify, or deny the application, reapplication or renewal for prescriptive authority. An APRN

with prescriptive authority approved by the board may prescribe drugs and therapeutic devices as recommended by clinical practice guidelines and the parameters of the collaborative practice agreement.

ii. Prior to granting an APRN prescriptive authority the collaborating physician or physicians shall be approved by the Louisiana State Board of Medical Examiners.

iii. Prescription Guidelines All Medications

(a). The following guidelines apply to all prescriptions, whether or not said prescriptions are for legend drugs, controlled substances or any other medication. An APRN granted prescriptive authority shall comply with all federal and state laws and rules in prescribing, distributing, and administering drugs.

iv. The APRN who has been given proper authority to prescribe whether in person or by an electronic means or over the Internet or over telephone lines must meet the following requirements:

(a). perform and appropriately document a history and physical examination, and make a diagnosis based upon the examination and all diagnostic and laboratory tests;

(b). formulate a therapeutic plan that is discussed with the patient;

(c). state the availability of the APRN or coverage for the patient for follow-up care;

(d). for established patients, a complete physical exam is not required before prescribing new medications; and

(e). all of the above must be included in the collaborative practice agreement.

v. Each order for a prescription, whether written or oral shall include the following information.

(a). The prescription form shall not be less than 4 inches by 5 inches, and shall bear a single printed signature line.

(b). The prescription form shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and if applicable Drug Enforcement Administration (DEA) registration number. In the event multiple practitioners are identified on the prescription form, the authorizing prescriber's specific identity shall be clear and unambiguous. This identification may be indicated by any means, including but not limited to a marked check box next to, or circling the authorizing prescriber's printed name.

(c). The prescription form shall clearly indicate the authorized prescriber's practice affiliation, and the collaborating physician’s name, address, and telephone number shall appear on the prescription form.

(d). No prescription form shall contain more than four prescription drug orders.

(e). Each prescription drug order on the form shall provide the following:

(i). a check box labeled "dispense as written" or DAW or both; and

(ii). the number of refills, if any; and

(iii). for prescriptions reimbursable by Medicare and Medicaid, the APRN may only inhibit equivalent drug product interchange by handwriting the words "brand necessary" or "brand medically necessary" on the face of the prescription order or on a separate sheet attached to the prescription order as specified in LAC 46:LIII.2511.

b. Controlled Substances. The board may authorize an APRN with prescriptive authority to prescribe or distribute controlled substances as defined, enumerated or included in federal or state statutes or regulations 21 C.F.R.1308.11-15., R.S 40:964, on an individual practice basis An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written prescriptions and be furnished on all oral prescriptions and shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LIII.2511:

i. an APRN granted authority to prescribe or distribute controlled substances shall not utilize such substances in connection with the treatment of:

(a). chronic or intractable pain, as defined in LAC 46 XLV.6515-6923;

(b). obesity, as defined in LAC 46 XLV.6901-6913; or

(c). oneself, a spouse, child or any other family member;

ii. any APRN authorized to prescribe controlled substances shall provide to the board a copy of his or her Louisiana Controlled Dangerous Substance permit and Drug Enforcement Administration registration number prior to prescribing or distributing controlled substances;

iii. controlled substances which may be prescribed or distributed by an APRN shall include Schedule III, IV and V. Schedule II shall be approved by the board on an individual basis. Controlled substances shall be limited to, consistent with, and exclusively within the parameters of the practice specialty of the collaborating physician and in the APRN's licensed category and area of specialization. The APRN must have been approved by the board to prescribe and distribute noncontrolled substances. The applicant must submit a collaborative practice agreement that clearly states that the controlled substances prescribed have been jointly agreed upon with the collaborating physician;

iv. the APRN must submit a collaborative practice agreement which delineates controlled substances utilization, which specifies the circumstances, limitations and extent to which such substances may be prescribed or distributed;

v. the APRN must submit evidence of 500 hours of practice with a collaborating physician immediately preceding the initial request for controlled substances;

vi. the APRNs application must state an identified need for controlled substances within the patient population served by the collaborative practice;

vii. the collaborative practice agreement must contain acknowledgment of responsibility by the collaborating physician to ensure that the controlled substance authority of an APRN is utilized in a manner that is consistent with any rule or regulation imposed upon the APRNs practice;

viii. the APRN who is authorized to prescribe controlled substances must determine the type, dosage form, frequency of application of controlled substances prescribed to a patient. This responsibility must never be delegated to any other personnel;

ix. the APRN shall insure that the complete name and address of the patient to whom the APRN is prescribing the controlled substance appears on the prescription;

x. the APRN shall not permit any prescription for controlled substances to be signed by any other person in the place of or on behalf of the APRN;

xi. the APRN may utilize telefaxes as original prescriptions for Schedule III-V as long as it has a true electronic signature;

xii. no more than one controlled substance shall be issued on a single prescription blank; and

xiii. no APRN shall prescribe any controlled substance or other drug having addiction-forming or addiction-sustaining liability without a good faith prior examination and medical indication.

3. Maintenance of Patient Records (controlled substances)

a. Patient Record. An APRN who prescribes a controlled substance shall maintain a complete record of the examination, evaluation and treatment of the patient which must include documentation of the diagnosis and reason for prescribing controlled substances. The name, dose, strength, quantity of the controlled substance and the date that the controlled substance was prescribed must be documented in the record.

b. The Louisiana State Board of Nursing has the authority to conduct random audits of patient records at practice sites where APRNs have been granted approval for prescribing controlled substances.

4. Drug Maintenance, Labeling and Distribution Requirements

a. APRNs shall not receive samples of controlled substances. An APRN may receive and distribute pre-packaged medications or samples of non-controlled substances for which the APRN has prescriptive authority.

b. An APRN must distribute the medication. For the purpose of this regulation "distribute" shall mean hand the pre-packaged medication to the patient or the patient's authorized agent.

c. All drug products which are maintained/stored at the site of practice of an APRN, shall be maintained/stored in the manufacturer's or re-packager's original package. The label of any container in which drugs are maintained must bear the drug name, strength, the manufacturer's control lot number and the expiration date.

d. All drug products shall be maintained, stored and distributed in such a manner as to maintain the integrity of the product.

5. Continued Competency for Prescriptive Authority. Each year an APRN with prescriptive authority shall obtain six contact hours of continuing education in pharmacotherapeutics in their category and area of specialization. Documentation of completion of the continuing education contact hours required for prescriptive authority shall be submitted at the request of the board in a random audit procedure at the time of the APRN's license renewal. In order for the continuing education program to be approved by the board, the program shall:

a. be provided by a board approved national certifying organization or provider approved by the board;

b. include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health;

6. APRN prescriptive authority may be renewed after review and approval by the board;

7. changes in prescriptive authority. Prior to changes with the collaborating physician, or physicians or coverage physician, when applicable, the APRN shall notify the board in writing requesting approval of such changes and submit a new collaborative practice agreement. The APRN shall notify the board in writing within 30 days of all changes regarding practice sites. Failure to notify the board may result in disciplinary action;

8. the board shall be responsible for maintaining a current up-to-date public list of APRNs who have authority to prescribe in the state;

9. the board shall supply whatever data is needed by the Office of Narcotics and Dangerous Drugs of the Department of Health and Hospitals of the State of Louisiana;

10. an APRN shall demonstrate compliance with the board's rules relating to authorized practice, section LAC 46:XLVII.4513.C.

11. Limitation

a. An APRN's prescriptive and distributing authority is personal to that individual APRN and is not delegable. An APRN shall not enter into any agreement, arrangement or contract with another health care provider, practitioner, person or individual which in any manner transfers any of the prescribing or distributing authority that the APRN derives as a result of approval by the board.

b. Only registered practitioners of medicine, dentistry, or veterinary medicine are authorized to compound and dispense drugs in accord with R.S.37:1201.

c. Exclusion. Nothing herein shall require a CRNA to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicine necessary for anesthesia care.

d. Continuance. Those APRNs who have previously been granted prescriptive and distributing authority by the Joint Administrative Committee or the LSBN shall continue under these rules.

e. Reinstatement. An APRN who has been granted approval by the board for prescriptive and distributive authority and who has ceased practicing with prescriptive authority for more than 12 months may apply for reinstatement of such authority.

f. In the event that the time period is greater than 12 months but less than four years the APRN shall:

i. meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a, b., and c; and

ii. provide evidence of six contact hours of continuing education in pharmacotherapeutics for each 12 month period of non-prescribing in their category and area of specialization. The APRN may obtain the required advanced pharmacotherapeutic hours through continuing education offerings. The required advanced pharmacotherapeutic hours may be non-lecture offerings or Continuing Medical Education Units (CMEs) provided that the offering documents the number of advanced pharmacotherapeutic hours in the educational offering. Pharmacotherapeutics hours must be delineated on the

certificate. In order for the continuing education program to be approved by the board, the program shall:

(a). be provided by a board approved national certifying organization or provider approved by the board; and

(b). include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health.

g. In the event that the time period is greater than four years the APRN shall meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a, b, c, and d.

12. Termination of Prescriptive Privileges

a. Prescriptive privileges may be terminated for violation of any rules and regulations of the board.

b. Prescriptive authority will be designated as "Inactive" when an APRN has no current collaborative practice agreement with a collaborating physician.

c. Prescriptive authority will be designated as "Inactive" in the event the RN and/or APRN license is revoked, suspended, made inactive or becomes delinquent.

13. Financial Disclosure

a. The APRN is subject to the rules LAC 46.XLVII.3605, "Disclosure of Financial Interest".

14. Freedom of Choice

a. An APRN shall not be influenced in the prescribing of drugs, devices or appliances by a direct or indirect financial interest in a pharmaceutical firm, pharmacy or other supplier or other health care related business.

b. Patients are entitled to the same freedom of choice in selecting who will fill their prescription needs as they are in the choice of an APRN. The prescription is a written direction for a therapeutic or corrective agent. A patient is entitled to a copy of the APRN's prescription for drugs or other devices. The patient has a right to have the prescription filled wherever the patient wishes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:981 (October 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 25:1245 (July 1999), amended by the Department of Health and Hospitals, Board of Nursing, LR 27: 727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended LR 31:

§4515. Continued Competence of Advanced Practice Registered Nurses

A. Continued competence requirements shall apply as follows:

1. APRNs maintain advanced practice recertification in accordance with the nationally recognized certifying body's criteria as approved by the board; or

2. when advanced practice certification/recertification is not available, or APRNs who are licensed by grandfathering, without advanced practice certification, the APRN shall meet the requirements for renewal as specified in the LAC 46:XLVII.4507.E.2.

B. Continuous Quality Improvement. The board may perform on-site review for APRNs to determine compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:284 (April 1996), amended LR 27: 727 (May 2001), amended LR 31:

§4517. Additional Standards For Each Advanced Practice Nurse Category

A. The APRN is responsible and accountable for compliance to the specific standards of practice for his/her specialty and functional role and for other state and federal rules and regulations that effect his/her patient population(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:284 (April 1996), amended LR 27: 727 (May 2001), LR 31:

Family Impact Statement

The Louisiana State Board of Nursing hereby issues this Family Impact Statement: The proposed rule related to the board's appointing authority will have an impact on budget for approximately 16 faculty members as they will incur the cost of APRN licensure, i.e., $100 initial licensure and $50 yearly renewal.

Interested persons may submit written comments on the proposed Rules to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 N. Causeway Blvd, Suite 601, Metairie, LA 70002. The deadline for receipt of all written comments is 4:30 p.m. on April 28, 2005.

A public hearing on this proposed Rule is scheduled for Wednesday, April 27, 2005 at 1 p.m., Louisiana State Board of Nursing, 3510 N. Causeway Blvd., Suite 601, Metairie, LA 70002. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Professional and Occupational Standards for Advanced Practice Registered Nurses

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that no additional staff or operating expenses will be needed to implement these changes. The only cost for implementation is for the publication of the rule change in the *Louisiana Register* estimated to be approximately $1,600 in FY 05.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that LSBN will conduct at least one graduate nursing program site visit a year for a total of $500 per site visit per year. There are currently eight (8) graduate programs in nursing, each of which will submit an annual report at $50 each for a total of $400 in FY 05 and each year thereafter. It is estimated that sixteen (16) nurse faculty will need to obtain APRN licensure and pay an initial licensure fee of $100 in FY 05 for a total of $1,600 and an annual renewal fee of $50 for a total of $800 yearly. The total revenue increase to the LSBN will be $3,300 for FY 05, and $1,700 each year thereafter.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules implement Act 1094 in the 2003 regular legislative session. The changes also reflect clarification and updating of the rules related to education, licensure and prescriptive authority privileges for APRNs. The proposed rules will require the LSBN to review and approve educational programs and courses for registered nurses preparing for advanced practice in nursing. There may be additional cost to the educational program if the site visit is done separately from other programs. Site visits will be every 5 years or as coordinated with other accrediting bodies. Schools will incur a $50 annual report fee. Some faculty (16) will incur the cost of APRN licensure, i.e., $100 initial licensure and $50 yearly renewal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the public and private sectors.

Barbara L. Morvant
Executive Director
0503#028

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Health Care Facilities Sanctions
(LAC 50:I.5503)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:I.5503 under the Medical Assistance Program as authorized by R.S. 40:2199 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule that established the authority for the department to impose sanctions and/or civil fines on those health care facilities determined to be out of compliance with any state or federal law or rule governing the operation and provision of health care services (*Louisiana Register*, Volume 26, Number 7). The department now proposes to amend the July 20, 2000 Rule to revise health care facility sanctions to concur with the Inventory for Client and Agency Planning (ICAP) instrument that will be used in the development of individualized rates for recipients residing in intermediate care facilities for the mentally retarded.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. Administration
Subpart 7. Sanctions
Chapter 55. Health Care Facility Sanctions
§5503. Description of Violation and Applicable Civil Fines

A. "Class A" Violations

1. - 2. …

3. If it is determined that an Intermediate Care Facility for the Mentally Retarded (ICF/MR) has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that results in death or serious harm to a resident, a 94 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

B. "Class B" Violations

1. - 2. …

3. If it is determined that an ICF/MR has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that has a substantial probability that death or serious harm to a resident will result if the condition or occurrence remains uncorrected, a 90 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

C. "Class C" Violations

1. - 2. …

3. If it is determined that an ICF/MR has a repeat violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that threatens the health, safety, or welfare of a resident, an 85 percent direct care floor will be established for the fiscal year in which the repeat violation is determined and for the two immediately subsequent years.

D. - G.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2199.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:37 (January 1985), amended LR 11:770 (August 1985), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:189 (February 1992), LR 26:1448 (July 2000), LR 31:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Health Care FacilitiesCSanctions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact other than cost of promulgation for FY 04-05. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in FY 04-05 for the state s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that $136 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule proposes to revise health care facility sanctions to concur with adoption of the Inventory for Client and Agency Planning (ICAP) instrument for use in developing individualized rates for recipients residing in intermediate care facilities for the mentally retarded (approximately 450 providers). Providers that are found to be in violation of a direct care rule or regulation would be required to commit additional resources to direct recipient care. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08 (assumes no significant increase in violations).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A. Bearden	H. Gordon Monk
Director	Staff Director
0503#036	Legislative Fiscal Office

NOTICE OF INTENT

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

Intermediate Care Facilities for the Mentally Retarded
Standards for Payment
(LAC 50:II.10303, 10307, 10351 and 10375-10385)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:II.10303 and 10307; repeals 10351 and adopts LAC 50:II.10375-10385 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule on October 20, 1989 which established the reimbursement methodology for private intermediate care facilities for the mentally retarded (ICFs-MR) (*Louisiana Register*, Volume 15, Number 10). The bureau subsequently promulgated a Rule in April 1999 that established the standards for payment for ICFs-MR *(Louisiana Register*, Volume 25, Number 24). House Resolution 104 of the 1997 Regular Session of the Louisiana Legislature requested that the Department investigate the feasibility of changing the reimbursement methodology for ICFs-MR. House Concurrent Resolution 257 of the 1997 Regular Session of the Louisiana Legislature requested that the Department study a new level of care determination process. In compliance with these resolutions, the bureau amended the October 20, 1989 Rule to adopt the Inventory for Client and Agency Planning (ICAP) instruments for use in developing individualized rates for ICF-MR residents (*Louisiana Register*, Volume 30, Number 4). The bureau now proposes to amend the April 1999 Rule containing the standards for payment for ICFs-MR to include ICAP.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the standards for payment for intermediate care facilities for the mentally retarded effective July 1, 2005.

Title 50
PUBLIC HEALTHCMEDICAL ASSISTANCE
Part II. Medical Assistance
Subpart 3. Standards for Payment
Chapter 103. Standards for Payment for Intermediate Care Facilities for the Mentally Retarded
Subchapter A. Forward, Definitions and Acronyms
§10303. Definitions and Acronyms Specific to Mental Retardation and Other Developmental Disabilities

A. - C. …

* * *

Acuity Factor an adjustment factor which will modify the direct care portion of the Inventory for Client and Agency Planning (ICAP) rate based on the ICAP level for each resident.

* * *

Administrative and Operating Costs include:

a. in-house and contractual salaries;
b. benefits;
c. taxes for administration and plant operation maintenance staff;
d. utilities;
e. accounting;
f. insurances;
g. maintenance staff;
h. maintenance supplies;
i. laundry and linen;
j. housekeeping; and
k. other administrative type expenditures.

* * *

Capital Costs include:

a. depreciation;
b. interest expense on capital assets;
c. leasing expenses;
d. property taxes; and
e. other expenses related to capital assets.

Care Related Costs—include in-house and contractual salaries, benefits, taxes, and supplies that help support direct care but do not directly involve caring for the patient and ensuring their well being (e.g., dietary and educational). Care related costs would also include personal items, such as clothing, personal hygiene items (soap, toothpaste, etc), hair grooming, etc.

* * *

DHH Department of Health and Hospitals or its designee.

* * *

Direct Care Costs consist of all costs related to the direct care interaction with the patient. *Direct care costs* include:

a. in-house and contractual salaries;

b. benefits; and

c. taxes for all positions directly related to patient care, including:

i. medical;

ii. nursing;

iii. therapeutic and training;

iv. ancillary in-house services; and

v. recreational.

* * *

ICAP, Inventory for Client and Agency Planning a standardized instrument for assessing adaptive and maladaptive behavior and includes an overall service score. This ICAP service score combines adaptive and maladaptive behavior scores to indicate the overall level of care, supervision or training required.

ICAP Service Level ranges from 1 to 9 and indicates the service need intensity. The lower the score the greater is the client need.

ICAP Service Score indicates the level of service intensity required by an individual, considering both adaptive and maladaptive behavior.

NOTE: The relationship between the service level and service score for ICAP support levels is as follows.

ICAP Relationship Graph

ICAP Service Level	ICAP Service **Score**	**ICAP Support Levels**
		Pervasive +
1	1-19	Pervasive
2	20-29	Extensive
3	30-39	
4	40-49	
5	50-59	Limited
6	60-69	
7	70-79	
8	80-89	Intermittent
9	90+	

Index Factor this factor will be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data Resources Incorporated or a comparable index if this index ceases to be published.

* * *

Pass through Cost Component includes the provider fee.

Peer Group the administrative and operating per diem rate and the capital per diem rate are tiered based on peer group size. Peer groups are as follows:

a. 1 - 8 beds;

b. 9 - 15 beds;

c. 16 - 32 beds;

d. 33 or more beds.

* * *

Rate Year a one-year period corresponding to the state fiscal year from July 1 through June 30.

Rebasing recalculation of the per diem rate components using the latest available audited or desk reviewed cost reports.

* * *

*Support Levels—d*escribe the levels of support needed by individuals with mental retardation and other developmental disabilities. The five descriptive levels of service intensity using the ICAP assessment are summarized in Subparagraphs a - e below.

a. Intermittent supports on an as needed basis. Characterized as episodic in nature, the person does not always need the support(s), or short-term supports needed during life-span transition (e.g., job loss or an acute medical crisis). Intermittent supports may be high or low intensity when provided.

b. Limited supports characterized by consistency over time, time-limited but not of an intermittent nature, may require fewer staff members and less costs than more intense levels of support (e.g., time-limited employment training or transitional supports during the school to adult provided period).

c. Extensive supports characterized by regular involvement (e.g., daily) in at least some environment (such as work or home) and not time-limited (e.g., long term support and long-term home living support).

d. Pervasive supports characterized by their constancy, high intensity; provided across environments; potential life-sustaining nature. Pervasive supports typically involve more staff members and intrusiveness than do extensive or time-limited supports.

e. Pervasive Plus a time-limited specific assignment to supplement required Level of Need services or staff to provide life sustaining complex medical care or to supplement required direct care staff due to dangerous life threatening behavior so serious that it could cause serious physical injury to self or others and requires additional trained support staff to be at "arms length" during waking hours.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:676 (April 1999), LR 31:

Subchapter B. Participation

§10307. Payments

A. - B.10. …

C. - C.3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:682 (April 1999), LR 31:

Subchapter G. Admission Review

§10351. Audits

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources LR:13:578 (October 1987) and amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:699, repealed LR 31:

Subchapter H. Reimbursement

§10375. Cost Reports

A. Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) are required to file annual cost reports to the bureau in accordance with the following instructions:

1. Each ICF-MR is required to report all reasonable and allowable costs on a regular facility cost report including any supplemental schedules designated by the bureau.

2. Separate cost reports must be submitted by central/home offices and habilitation programs when costs of those entities are reported on the facility cost report.

B. Cost reports must be prepared in accordance with cost reporting instructions adopted by the bureau using definitions of allowable and non-allowable cost contained in the Medicare provider reimbursement manual unless other definitions of allowable and non-allowable cost are adopted by the bureau.

1. Each provider shall submit an annual cost report for fiscal year ending June 30th. The cost reports shall be filed within 90 days after the state's fiscal year ends.

2. Exceptions. Limited exceptions for extensions to the cost report filing requirements will be considered on an individual facility basis upon written request by the provider to the Medicaid Director or designee. Providers must attach a statement describing fully the nature of the exception request. The extension must be requested by the normal due date of the cost report.

C. Direct Care Floor

1. A facility wide direct care floor may be enforced upon deficiencies related to direct care staffing requirements noted during the HSS Annual Review or during a complaint investigation in accordance with the LAC 50:I.5501 et seq.

2. For providers receiving pervasive plus supplements, the facility wide direct care floor is established at 94 percent of the per diem direct care payment and the pervasive plus supplement. The direct care floor will be applied to the cost reporting year in which the facility receives a Pervasive Plus supplement. In no case, however, shall a facility receiving a Pervasive Plus supplement have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor.

3. For facilities for which the direct care floor applies, if the direct care cost the facility incurred on a per diem basis is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report.

4. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10377. Rate Determination

A. Resident per diem rates are calculated based on information reported on the cost report. ICFs-MR will receive a rate for each resident. The rates are based on cost components appropriate for an economic and efficient ICF-MR providing quality service. The resident per diem rates represent the best judgment of the state to provide reasonable and adequate reimbursement required to cover the costs of economic and efficient ICFs-MR.

B. The cost data used in setting base rates will be from the latest available audited or desk reviewed cost reports. The initial rates will be adjusted to maintain budget neutrality upon transition to the ICAP reimbursement methodology. For rate periods between rebasing, the rates will be trended forward using the index factor contingent upon appropriation by the Legislature.

C. For dates of service on or after July 1, 2005, a resident's per diem rate will be the sum of:

1. direct care per diem rate;
2. care related per diem rate;
3. administrative and operating per diem rate;
4. capital rate; and
5. provider fee.

D. Determination of Rate Components

1. The direct care per diem rate shall be a set percentage over the median adjusted for the acuity of the resident based on the ICAP, tier based on peer group. The direct care per diem rate shall be determined as follows.

a. Median Cost. The direct care per diem median cost for each ICF-MR is determined by dividing the facility's total direct care costs reported on the cost report by the facility's total days during the cost reporting period. Direct care costs for providers in each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The direct care component shall be adjusted to 105 percent of the direct care per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor .

d. Acuity Factor. Each of the ICAP levels will have a corresponding acuity factor. The median cost by peer group, after adjustments, shall be further adjusted by the acuity factor (or multiplier) as follows.

ICAP Support Level	Acuity Factor (Multiplier)
Pervasive	1.35
Extensive	1.17
Limited	1.00
Intermittent	.90

2. The care related per diem rate shall be a statewide price at a set percentage over the median and shall be determined as follows.

a. Median Cost. The care related per diem median cost for each ICF-MR is determined by dividing the

facility's total care related costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Care related costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The care related component shall be adjusted to 105 percent of the care related per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

3. The administrative and operating per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The administrative and operating component shall be determined as follows.

a. Median Cost. The administrative and operating per diem median cost for each ICF-MR is determined by dividing the facility's total administrative and operating costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Administrative and operating costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The administrative and operating component shall be adjusted to 103 percent of the administrative and operating per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

4. The capital per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The capital per diem rate shall be determined as follows:

a. Median Cost. The capital per diem median cost for each ICF-MR is determined by dividing the facility's total capital costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Capital costs for providers of each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The capital cost component shall be adjusted to 103 percent of the capital per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. Capital costs shall not be trended forward.

d. The provider fee shall be calculated by the Department in accordance with state and federal rules.

E. The rates for the 1-8 bed peer group shall be set based on costs in accordance with §10377.B.-D. The reimbursement rates for peer groups of larger facilities will also be set in accordance with §10377.B.-D.; however, the rates will be limited as follows:

1. The 9-15 peer group reimbursement rates will be limited to 95 percent of the 1-8 bed peer group reimbursement rates.

2. The 16-32 bed peer group reimbursement rates will be limited to 95 percent of the 9-15 bed peer group reimbursement rates.

3. The 33 and greater bed peer group reimbursement rates will be set in accordance with §10377.B.-D., limited to 95 percent of the 16-32 bed peer group reimbursement rates.

F. Rebasing of rates will occur at least every three years utilizing the most recent audited and/or desk reviewed cost reports.

G. Adjustments to the Medicaid daily rate may be made when changes occur that eventually will be recognized in updated cost report data (such as a change in the minimum wage or FICA rates). These adjustments would be effective until such time as the data base used to calculate rates fully reflect the change. Adjustments to rates may also be made when legislative appropriations would increase or decrease the rates calculated in accordance with this rule. The secretary of the Department of Health and Hospitals makes the final determination as to the amount and when adjustments to rates are warranted.

H. A facility requesting a pervasive plus rate supplement shall bear the burden of proof in establishing the facts and circumstances necessary to support the supplement in a format and with supporting documentation specified by the DHH ICAP Review Committee.

1. The DHH ICAP Review Committee shall make a determination of the most appropriate staff required to provide requested supplemental services.

2. The amount of the Pervasive Plus supplement shall be calculated using the Louisiana Civil Service pay grid for the appropriate position as determined by the DHH ICAP Review Committee and shall be the 25th percentile salary level plus 20 percent for related benefits times the number of hours approved.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10379. ICAP Requirements

A. An ICAP must be completed for each recipient of ICF-MR services upon admission and while residing in an ICF-MR in accordance with departmental regulations.

B. Providers must keep a copy of the recipient's current ICAP protocol and computer scored summary sheets in the recipient's file. If a recipient has changed ICAP service level, providers must also keep a copy of the recipient's ICAP protocol and computer scored summary sheets supporting the prior level.

C. ICAPs must reflect the resident's current level of care.

D. Providers must submit a new ICAP to the Regional Health Standards office when the resident's condition reflects a change in the ICAP level that indicates a change in reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10381. ICAP Monitoring

A. ICAP scores and assessments will be subject to review by DHH and its contracted agents. The reviews of ICAP submissions include, but are not limited to:

1. reviews when statistically significant changes occur within an ICAP submission or submissions;
2. random selections of ICAP submissions;
3. desk reviews of a sample of ICAP submissions; and
4. on-site field reviews of ICAPs.

B. ICAP Review Committee

1. Requests for Pervasive Plus must be reviewed and approved by the DHH ICAP Review Committee.

2. The ICAP Review Committee shall represent DHH should a provider request an informal reconsideration regarding the Regional Health Standards determination.

3. The ICAP Review Committee shall make final determination on any ICAP Level of Care changes prior to the appeals process.

4. The ICAP Review Committee shall be made up of the following:

a. the director of the Health Standards Section or his/her appointee;

b. the director of Rate and Audit Review Section or his/her appointee;

c. the assistant secretary for the Office for Citizens with Developmental Disabilities or his/her appointee.

d. other persons as appointed by the secretary.

C. When an ICAP score is determined to be inaccurate, the Department shall notify the provider and request documentation to support the level of care. If the additional information does not support the level of care, an ICAP rate adjustment will be made to the appropriate ICAP level effective the first day of the month following the determination.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10383. Audits

A. Each ICF-MR shall file an annual facility cost report and a central office cost report.

B. ICF-MR shall be subject to financial and compliance audits.

C. All providers who elect to participate in the Medicaid Program shall be subject to audit by state or federal regulators or their designees. Audit selection for the Department shall be at the discretion of DHH.

1. A representative sample of the ICF-MR shall be fully audited to ensure the fiscal integrity of the program and compliance of providers with program regulations governing reimbursement.

2. Limited scope and exception audits shall also be conducted as determined by DHH.

3. DHH conducts desk reviews of all the cost reports received. DHH also conducts on-site audits of provider records and cost reports.

a. DHH seeks to maximize the number of on-site audited cost reports available for use in its cost projections although the number of on-site audits performed each year may vary.

b. Whenever possible, the records necessary to verify information submitted to DHH on Medicaid cost reports, including related-party transactions and other business activities engaged in by the provider, must be accessible to DHH audit staff in the state of Louisiana.

D. Cost of Out-of-State Audits

1. When records are not available to DHH audit staff within Louisiana, the provider must pay the actual costs for DHH staff to travel and review the records out-of-state.

2. If a provider fails to reimburse DHH for these costs within 60 days of the request for payment, DHH may place a hold on the vendor payments until the costs are paid in full.

E. In addition to the exclusions and adjustments made during desk reviews and on-site audits, DHH may exclude or adjust certain expenses in the cost-report data base in order to base rates on the reasonable and necessary costs that an economical and efficient provider must incur.

F. The facility shall retain such records or files as required by DHH and shall have them available for inspection for 5 years from the date of service or until all audit exceptions are resolved, whichever period is longer.

G. If DHH s auditors determine that a facility s records are unauditable, the vendor payments may be withheld until the facility submits an acceptable plan of correction to reconstruct the records. Any additional costs incurred to complete the audit shall be paid by the provider.

H. Vendor payments may also be withheld under the following conditions:

1. a facility fails to submit corrective action plans in response to financial and compliance audit findings within 15 days after receiving the notification letter; or

2. a facility fails to respond satisfactorily to DHH s request for information within 15 days after receiving the Department s letter.

I. If DHH s audit of the residents Personal Funds Account indicate a material number of transactions were not sufficiently supported or material non-compliance, then DHH shall initiate a full scope audit of the account. The cost of the full scope audit shall be withheld from the vendor payments.

J. The ICF-MR shall cooperate with the audit process by:

1. promptly providing all documents needed for review;

2. providing adequate space for uninterrupted review of records;

3. making persons responsible for facility records and cost report preparation available during the audit;

4. arranging for all pertinent personnel to attend the exit conference;

5. insuring that complete information is maintained in client's records; and

6. correcting areas of noncompliance with state and federal regulations immediately after the exit conference time limit of 15 days.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10385. Exclusions from Database

A. Providers with disclaimed audits and providers with cost reports for other than a 12-month period will be excluded from the database used to calculate the rates.

B. Providers who do not submit ICAP scores will be paid at the Intermittent level until receipt of ICAP scores.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Intermediate Care Facilities for the Mentally RetardedCStandards for Payment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact other than cost of promulgation for FY 04-05. It is anticipated that $1,564 ($782 SGF and $782 FED) will be expended in FY 04-05 for the state s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that $782 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule proposes to amend the standards of payment for Private Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) (approximately 450 providers) using the Inventory for Client and Agency Planning (ICAP) instrument to measure individual level of needs and is formulated to provide the necessary monetary resources to meet those needs. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A. Bearden	H. Gordon Monk
Director	Staff Director
0503#033	Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities Reimbursement Methodology
(LAC 50:VII.1305 and 1309)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC:50.VII.1305 and 1309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently reimburses the costs for durable medical equipment and supplies provided to Medicaid recipients residing in nursing facilities under the Durable Medical Equipment Program. The Centers for Medicare and Medicaid Services recently provided clarification regarding its regulations governing reimbursement for medical equipment and supplies provided to nursing facility residents. As a result of this clarification, the bureau now proposes to include reimbursement for durable medical equipment and supplies as part of the reimbursement rate for nursing facilities.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 50
PUBLIC HEALTHCMEDICAL ASSISTANCE
Part VII. Long Term Care Services
Subpart 1. Nursing Facilities
Chapter 13. Reimbursement
§1305. Rate Determination

A. - D.4.a. ...

b. Effective July 1, 2005, the pass-through rate will include a flat statewide fee for the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in nursing facilities.

5. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1474 (June 2002), repromulgated LR 28:1791 (August 2002), amended LR 31:

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

A. …

B. State-owned or operated nursing facilities are paid a prospective reimbursement rate. Effective July 1, 2005, this prospective reimbursement rate will include the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in

nursing facilities. The payment rate for each of these facilities will be the nursing facility's allowable cost from the most recent filed Medicaid cost report trended forward to the midpoint of the rate year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1476 (June 2002), repromulgated LR 28:1793 (August 2002), amended LR 30:53 (January 2004) LR 31:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in an estimated cost avoidance to the state of $2,229,163 for FY 05-06, $2,296,038 for FY 06-07, and $2,364,918 for FY 07-08. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in FY 04-05 for the state s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by $5,226,231 for FY 05-06, $5,383,018 for FY 06-07, and $5,544,509 for FY 07-08. $136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Centers for Medicare and Medicaid Services (CMS) recently provided clarification regarding its regulations governing reimbursement for medical equipment and supplies provided to nursing facility residents. In compliance with the CMS clarification, this proposed rule includes reimbursement for durable medical equipment as part of the pass-through component of the reimbursement rate for nursing facilities (approximately 286 facilities). It is anticipated that implementation of this rule will decrease payments for durable medical equipment by $7,455,394 for FY 05-06, $7,679,056 for FY 06-07, and $7,909,427 for FY 07-08.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment as a result of the implementation of this proposed rule.

Ben A. Bearden
Director
0503#034

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program
Nurse Practitioners, Nurse-Midwives,
and Clinical Nurse Specialists

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for professional services rendered by physicians as well as by nurse practitioners, nurse-midwives and clinical nurse specialists. The reimbursement is in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes and Health Care Financing Administration Common Procedure Codes (HCPC). Currently nurse practitioners, nurse midwives, and clinical nurse specialists may only submit claims to the Medicaid Program for reimbursement for a designated group of CPT procedure codes that have been determined to be within the scope of the practice for their individual license. The bureau now proposes to promulgate the provisions governing claims filing for services rendered by nurse practitioners, nurse midwives, and clinical nurse specialists and to amend the reimbursement methodology for these professional service providers.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing services rendered by nurse practitioners, nurse-midwives and clinical nurse specialists under the Professional Services Program.

In order to participate in the Medicaid Program, a nurse practitioner, nurse midwife, or clinical nurse specialist must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after July 1, 2005, all claims filed for reimbursement must identify the nurse practitioner, nurse midwife, or clinical nurse specialist as the attending provider if he/she is

employed by or under contract with a Medicaid enrolled physician or physician group.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and the terms of the physician collaborative agreement. The collaborating physician must be a Medicaid enrolled provider. Collaborative agreements must be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

Nurse practitioners, nurse midwives, and clinical nurse specialists shall not bill separately for their services when they are employed by or under contract with Medicaid enrolled providers whose reimbursement is based on cost reports that include the cost of their salaries.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Professional Services Program Nurse Practitioners, Nurse-Midwives, and Clinical Nurse Specialists

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in FY 04-05 for the state s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. $136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule promulgates the provisions governing claims filing for nurse practitioners, nurse midwives and clinical nurse specialists and amends the reimbursement methodology for these professional service providers (approximately 550 providers). The proposed rule establishes the reimbursement methodology for their services at 80 percent of the established rate for physicians. It is anticipated that implementation of this proposed rule will increase the recipients access to care. It is anticipated that the increase in the number of services provided should offset the change in reimbursement and result in the proposed rule being revenue neutral.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition. Implementation of the proposed rule could result in increased employment opportunity for nurse practitioners, nurse midwives and clinical nurse specialists.

Ben A. Bearden
Director
0503#035

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program
Physician Assistants

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for professional services rendered by physicians and other professionals such as nurse practitioners, nurse-midwives and certified registered nurse anesthetists. These other professionals must enroll to participate in the Medicaid Program and obtain an individual Medicaid provider number. Professional Services are reimbursed in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes and Health Care Financing Administration Common Procedure Codes (HCPC). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay. Physician assistants are not currently allowed to enroll to participate in the Louisiana Medicaid Program. The bureau now proposes to promulgate provisions to allow physician assistants to enroll to participate in the Medicaid Program and to establish the reimbursement methodology for services rendered by these professional services providers.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the enrollment and reimbursement of physician assistants under the Professional Services Program.

In order to participate in the Medicaid Program, a physician assistant must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after July 1, 2005, all claims for services provided by a physician assistant must identify the physician assistant as the attending provider.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and delegation by the supervising physician. The supervising physician must be a Medicaid enrolled provider. Clinical practice guidelines and protocols shall be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate for physician assistant services shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

A physician assistant shall not bill separately for his/her services when he/she is employed by or under contract with a Medicaid enrolled provider whose reimbursement is based cost reports that include the cost of the physician assistant's salary.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Professional Services Program Physician Assistants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It is anticipated that $272 ($136 SGF and $136 FED) will be expended in FY 04-05 for the state s administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. $136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule allows physician assistants (approximately 110 providers) to enroll in the Medicaid Program and establishes the reimbursement methodology for their services at 80 percent of the established rate for physicians. It is anticipated that implementation of this proposed rule will increase the recipients access to care. It is anticipated that the increase in the number of services provided should offset the change in reimbursement and result in the proposed rule being revenue neutral.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition. Implementation of the proposed rule could result in increased employment opportunity for physician assistants.

Ben A. Bearden	H. Gordon Monk
Director	Staff Director
0503#037	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Gaming Control Board

Approval of New Electronic Gaming Devices
(LAC 42:VII.4209, IX.4209, and XIII.4209)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII., IX., XIII.4209, in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42
LOUISIANA GAMING
Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming
Chapter 42. Racetracks: Electronic Gaming Devices
§4209. Approval of New Electronic Gaming Devices

A. - A.2.bb.ii. …

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements.

(a). All acceptors shall be approved by the division/board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 29:2506 (November 2003), LR 31:

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporations

Chapter 42. Electronic Gaming Devices

§4209. Approval of New Electronic Gaming Devices

A. - A.2.bb.ii. …

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements:

(a). All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), amended LR 29:2507 (November 2003), LR 31:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 42. Electronic Gaming Devices

§4209. Approval of New Electronic Gaming Devices

A. - 29.b. …

30. Coin Acceptors

a. EGDs which have coin comparitors installed shall meet all the following requirements.

i. All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

ii. Coin acceptors shall be designed to accept designated coins and to reject others.

iii. The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to, slugging, stringing, or spooling.

iv. Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

v. EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

b. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

30.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953.A., the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending LAC 42:VII., IX., XIII.4209.

It is accordingly concluded that amending LAC 42:VII., IX., XIII.4209 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to these proposed rules,

through April 9, 2005 to 1885 North 3rd Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Approval of New Electronic Gaming Devices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs to state or local government units estimated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No significant costs and/or economic benefit to directly affected persons or non-governmental groups is estimated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment is estimated.

Tom Warner	Robert E. Hosse
Assistant Attorney General	General Government Section Director
0503#072	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of Motor Vehicles

License Plates International Registration Plan
(LAC 55:III.325)

Under the authority of R.S. 47:511, R.S. 47:305.50 and R.S. 47:321 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles (department), hereby gives notice of intent to amend the existing Rules regarding the adoption of the International Registration Plan on commercial vehicles issued apportioned plates and used in interstate commerce. These amendments are technical in nature and do not change the substance of the Rules.

The proposed amendment adopts the current International Registration Plan by reference. The International Registration Plan authorizes the apportioned registration of fleets of vehicles among the various jurisdictions in which the vehicles are operated. This plan provides that for one license plate even though the motor vehicle is registered in more than one jurisdiction. Louisiana was approved to participate in the plan on December 1, 1975, and began participating in the plan on April 1, 1976.

Title 55
PUBLIC SAFETY
Part III. Motor Vehicles
Chapter 3. License Plates
Subchapter A. Types of License Plates
§325. International Registration Plan

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the International Registration Plan, hereinafter referred to as the plan, adopted in August 1994 and as revised through October 1, 2004 by the member jurisdictions, and published by International Registration Plan, Inc. The department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the October 1, 2004 and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this Rule, but may be considered by the department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000), amended LR 29:605 (April 2003), LR 31:

Persons having comments or inquiries may contact Lolita M. Whitmore, Attorney for the Office of Motor Vehicles by writing to P.O. Box 66614, Baton Rouge, LA 70896, by calling (225) 925-4066, or by sending a facsimile to (225) 925-3974. These comments and inquiries should be received by April 20, 2005. A public hearing on these Rules is tentatively scheduled for April 28, 2005, at 9 a.m., in the Executive Conference Room at the Office of Motor Vehicles Headquarters at 7979 Independence Boulevard, Baton Rouge, LA 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing. If the requisite number of comments are not received, no hearing will be held.

Family Impact Statement

1. The effect of these Rules on the stability of the family. These Rules should not have any affect on the stability of the family. These Rules regulate the use of commercial motor vehicles.

2. The effect of these Rules on the authority and rights of parents regarding the education and supervision of their children. These Rules should not have any affect on the authority and rights of parents regarding the education and supervision of their children. These Rules regulate the use of commercial motor vehicles.

3. The effect of these Rules on the functioning of the family. These Rules should not have any affect on the functioning of the family. These Rules regulate the use of commercial motor vehicles.

4. The effect of these Rules on family earnings and family budget. These Rules should not have any affect on family earnings and family budget. These Rules regulate the use of commercial motor vehicles.

5. The effect of these Rules on the behavior and personal responsibility of children. These Rules should not have any

affect on the behavior and personal responsibility of children. These Rules regulate the use of commercial motor vehicles.

6. The effect of these Rules on the ability of the family or local government to perform the function as contained in the proposed rules. These Rules should not have any affect on the ability of the family or local government to perform the function as contained in the proposed Rules. These Rules regulate the use of commercial motor vehicles.

Stephen J. Hymel
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: License Plates
International Registration Plan

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no savings or increased costs in connection with the amendment to LAC 55, Part III, Chapter 3, Subchapter A, §325, as the International Registration Plan (IRP) is an existing program in which the department has participated since 1976. The amendment to the International Registration Plan (IRP) Rule updates the reference to the current version of the International Registration.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governments. The proposed amendment does not change the manner in which state and local sales and use taxes are collected. The registration license tax due at the initial registration and at each subsequent renewal is also unchanged.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no costs and/or economic benefit to directly affected persons or nongovernmental groups in connection with the proposed amendment to §325. The changes to the plan do not impact the way the plan is enforced.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment as a result of these proposals as there are no changes in the effect of the IRP or the sales tax exemption.

Stephen J. Hymel	H. Gordon Monk
Undersecretary	Staff Director
0503#059	Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Office of Alcohol and Tobacco Control

Prohibition of Certain Unfair Business Practices in Malt Beverage Industry (LAC 55:VII.317)

Under the authority of R.S. 26:793 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., The Department of Revenue, Office of Alcohol and Tobacco Control, proposes to adopt LAC 55:VII.5.501-509 pertaining to comprehensive education of tobacco vendors as part of the licensing process.

Title 55, Chapter 3, entitled "Liquor Credit Regulations," provides, inter alia, for regulation of business practices in regard to the marketing and sale of alcoholic beverages in Louisiana. This proposed amendment to the regulation adds definitions and provides for certain fair business practices which promote safe, responsible, and uniform marketing of low alcohol content beverages.

Title 55
PUBLIC SAFETY
Part VII. Alcohol and Tobacco Control
Chapter 3. Liquor Credit Regulations
§317. Regulation IXCProhibition of Certain Unfair Business Practices in Malt Beverage Industry

A. Definitions

* * *

Enhancer an item used on a display which will be awarded to a customer who shops in a retail outlet voluntarily participating in a contest, offer, promotion, sweepstakes, or advertising or marketing campaign, the object of which is to award the enhancer to a winner thereof.

* * *

Sweepstakes any program which employs any enhancement(s) that exceed $155 in value as part of a retail display for any contest, offer, promotion, or advertising or marketing campaign.

* * *

C. Marketing and Sale of Alcoholic Beverages in Louisiana

1. …
2. Exceptions

a. - j.iii. …

k. Coupons and Rebates. Except as otherwise provided by law, coupon and rebate offers, promotions or marketing campaign of alcoholic beverages are allowable in accordance with the following restrictions.

i. Any such coupon or rebate offer, promotion, or marketing campaign must be redeemable directly by the manufacturer or a third party clearinghouse retained by the manufacturer at its sole expense;

ii. No retailer can be required to participate in any such offer, promotion or marketing campaign;

iii. No retailer can be required to bear any of the costs associated with any such offer, promotion or marketing campaign;

iv. No one under the legal drinking age during the time of the offer, promotion or marketing campaign may participate in any such offer, promotion or marketing campaign;

v. All coupon or rebate offers, promotions and marketing campaigns must be for a specified time, not to exceed 90 days.

vi. No coupon or rebate offer, promotion or marketing campaign may result in any sale of alcoholic beverages for a price of less than six percent above the invoice price paid therefor.

l. Enhancers. Enhancers, as defined in this Chapter, may be used as part of a contest, offer, promotion, sweepstakes, or advertising or marketing campaign.

i. Items may include ice chests, grills, rafts, and other items not to exceed $155 in value.

ii. Industry members utilizing enhancers must provide entry forms and a drop box in which all entries must be placed and post a date on which an official prize drawing will occur.

m. Sweepstakes. Sweepstakes, as defined in this Chapter, may be used as part of a contest, promotion, or advertising or marketing campaign with the following restrictions:

i. Enhancers that exceed $155 in value, such as 4-wheel all-terrain vehicles, trips, etc., may be utilized as part of a sweepstakes.

ii. Any wholesaler must offer the opportunity to participate in any sweepstakes conducted to the entire retailer base which it serves.

iii. Participation by retailers must be strictly voluntary.

iv. Enhancers cannot be displayed within any retail outlet.

v. Photographs or models of enhancers may be displayed, provided the photographs or models used do not exceed $155 in value.

vi. Manufactures and wholesalers conducting sweepstakes must provide entry forms and a drop box in which all entries must be placed and post a date on which an official prize drawing will occur.

n. Manufacturers and wholesalers are prohibited from purchasing enhancers from any retail outlet participating in the display or sweepstakes.

o. Retail owners, manufacturers and wholesalers, and their employees and family members are not eligible to participate in any display or sweepstakes drawing allowed under provisions of this Section.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287, R.S. 26:150(A), R.S. 26:75(C)(2), and R.S. 26:275(B)(2).

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, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:

Family Impact Statement

As required by Act 1183 of the Regular Session of the Louisiana Legislature, the following Family Impact Statement is submitted for publishing with the Notice of Intent in the *Louisiana Register*. A copy of this statement will also be provided to the legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed 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. Implementation of this proposed 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. Implementation of this proposed amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Budget. Implementation of this proposed amendment will have no effect on family earnings and budget.

5. The Effect on Behavior and Personal Responsibility of Children. Implementation of this proposed amendment will have no effect on behavior and responsibility of children.

6. The Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed amendment will have no effect on the ability of the family or local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Murphy J. Painter, Commissioner, Office of Alcohol and Tobacco Control, Department of Revenue, 8549 United Plaza, Suite 220, Baton Rouge, LA 70809 or by fax to (225) 925-3975. All comments must be submitted by 4:30 p.m., April 25, 2005. A public hearing will be held on April 26, 2005, at 10 a.m. in the Office of Alcohol and Tobacco Hearing Room at 8549 United Plaza Boulevard, Second Floor, Baton Rouge, LA 70809.

Murphy J. Painter
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Prohibition of Certain Unfair Business Practices in Malt Beverage Industry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of these proposed amendments will have no effect on the costs or savings to state or local governmental units. These proposed amendments, which codify policies that are already in place, will limit confusion over allowable coupon or rebate offers and enhancers that manufacturers may use in the marketing and sale of alcoholic beverages.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Adoption of these proposed amendments will have no effect on the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Adoption of these proposed amendments will have no effect on the costs or economic benefits to marketers of alcoholic beverages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adoption of these proposed amendments will ensure a level playing field on which all marketers of alcoholic beverages will compete. These proposed amendments will clarify the Office of Alcohol and Tobacco Control's policy regarding the acceptable use of coupons and rebate offers and enhancers.

Murphy J. Painter
Commissioner
0503#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Community Services

Maintenance of Information on Reports and Investigations
(LAC 67:V.1105)

The Department of Social Services, Office of Community Services, proposes to amend a Rule regarding the maintenance of information on reports of child abuse and/or neglect with investigation final findings of inconclusive and invalid. The amended Rule is pursuant to Act 457 of the 2004 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part V. Office of Community Services
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1105. Maintenance of Information on Reports and Investigations

A. The Office of Community Services (OCS) will maintain information on reports of child abuse and/or neglect with final findings of inconclusive and invalid on the agency computer tracking and management system for seven years after the determination of the finding. The information will be maintained for use in future child welfare involvement with a family for the purpose of evaluating the existence of patterns of incidents in pending child abuse or neglect investigations. The information shall be confidential and will not be released to other persons or agencies outside of the OCS. OCS will only release the information regarding a report and the investigation with an inconclusive finding with a client's permission when they are applying to be a CASA volunteer, foster parent, or adoptive parent. It shall not be released for employment purposes.

1. At the end of seven years from the date of the finding, the information will be expunged unless there have been subsequent reports and investigations. When there are subsequent investigations with findings of invalid, inconclusive, unable to locate or client non-cooperation, the information regarding all findings will be maintained until there have been no subsequent invalid, inconclusive or client non-cooperation findings for seven years or unable to locate findings for three years.

2. When there are subsequent investigations with findings of valid, the information regarding these findings will be maintained until there have been no subsequent invalid, inconclusive or valid findings for the length of time determined by the valid finding.

B. The case record file of information on the reports and investigations with invalid or inconclusive findings will be maintained in the local office for the parish in which the investigation was conducted. The file will be maintained for the length of time it is maintained in the management system.

1. When there are subsequent investigations with findings of invalid or inconclusive, the case records for all invalid and inconclusive findings will be maintained until there have been no subsequent invalid or inconclusive findings for seven years.

2. When there are subsequent investigations with findings of valid, they will be maintained for the length of time determined by the valid finding.

AUTHORITY NOTE: Promulgated in accordance with Act 593 of 1999 and Act 457 of 2004.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:

Family Impact Statement for Rules

1. The effect on the stability of the family. By allowing OCS to maintain records on a family for a longer period, this may impact a family's stability by showing a pattern of abuse or neglect that may have otherwise gone unnoticed, which could result in the possible removal of a child if he or she were found to be at imminent risk of harm. Conversely, the agency may be able to offer preventive services to the family to reduce the risk thus strengthening the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. This Rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. This Rule will have no effect on family earnings and family budget because the records will be maintained and later automatically removed from our system at no cost to them. If however, a parent wishes to go to court to contest their record within the agency in an attempt to have their record expunged via a court order prior to the scheduled date determined by the finding, the family will have to incur legal fees in order to accomplish this.

5. The effect on the behavior and personal responsibility of children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. The maintenance of information of reports and investigations is an agency function. The records will automatically be expunged after a set amount of time depending on the finding of the investigation and whether or not we have had further involvement with the family. This expungement will require no action on the family's part at all.

Interested persons may submit written comments for 40 days from the date of this publication to Marketa Garner Gautreau, Assistant Secretary, P.O. Box 3318, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed Rule.

Ann S. Williamson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Maintenance of Information on Reports and Investigations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be a cost in FY 04/05 of $328 to reproduce and distribute manual material and to publish the Rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Marketa Garner Gautreau	H. Gordon Monk
Assistant Secretary	Staff Director
0503#051	Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Community Services

State Central Registry (LAC 67:V.1103)

The Department of Social Services (DSS), Office of Community Services (OCS), proposes to amend a Rule regarding the maintenance of information on investigations of child abuse and/or neglect on the State Central Registry pursuant to Act 567 of the 2003 Regular Session of the Louisiana Legislature and Act 457 of the 2004 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part V. Office of Community Services
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1103. State Central Registry

A. - A.1. …

a. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the reports appear to be justified will be maintained until the youngest child in the victim's family reaches the age of 18 or 10 years from the determination, whichever is longer, unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child reaches the age of 18 or 10 years from the determination, whichever is longer. When after an investigation, the determination is made by the department that the report does appear to be justified, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care petition involving the report shall be added to the central registry. Records of reports of child fatalities determined to have been caused by child abuse or neglect will be maintained indefinitely.

b. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the findings are unable to locate will be maintained for three years and client non-cooperation findings will be maintained for seven years from the determination unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child in the victim's family reaches the age of 18 years or for 10 years, whichever is longer.

c. Records on determinations of caretakers in restrictive care facilities and day care centers in which reports appear to be justified will be maintained for 10 years, unless there is another report and investigation involving the same perpetrator. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding for 10 years. Records on determinations of investigations with unable to locate findings will be maintained for three years and client non-cooperation findings will be maintained for seven years unless there is a subsequent investigation involving the same perpetrator. In those cases, the records will be maintained for the period of time determined by the finding for the subsequent investigation.

d. Records on justified findings on foster families, when the child victim is a foster child, will be maintained indefinitely.

e. Any person whose name is included on the central registry may file a rule to show cause against the DSS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. The Office of Community Services will expunge the petitioner's name and other identifying information upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the final finding. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

2. The central registry shall release information regarding cases of child abuse or neglect to other states' child welfare agencies upon formal inquiry by that agency, when the inquiry is made pursuant to an ongoing child protection investigation, foster care home study, adoptive home study, or family services case following a child protection investigation in the requesting state, in accordance with R.S. 46:56(F)(4)(a). The information may also be released to private licensed child placing agencies upon formal inquiry and verification of licensure. Information released to such agencies is confidential and shall not be released to sources outside the agency.

3. …

4. The Office of Community Services will disclose information in records of reports of child abuse or neglect when requested in writing from persons cited in R.S. 46:56(F)(10)(a). The information to be disclosed includes whether or not the agency has a report that is currently open and under investigation or has been determined to be valid, the status of the investigation, the determination made by the department and any action taken by the agency. Action taken by the agency will include the following: case under investigation, case closed, referred for services, continued services post investigation, and child taken into custody.

B. …

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616, and Title XII, Adoption of Children, Chapter 2, Article 1173, and R.S. 14:403(H).

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) and LR 31:

Family Impact Statement

1. The Effect on the Stability of the Family. By allowing OCS to maintain records on a family on the State Central Registry for a longer period, this may impact a family's stability by showing a pattern of abuse or neglect that may have otherwise gone unnoticed, which could result in the possible removal of a child if he or she were found to be at imminent risk of harm. Conversely, the agency may be able to offer preventive services to the family to reduce the risk thus strengthening the stability of the family.

2. The Effect on the Authority And Rights of Parents Regarding the Education and Supervision of Their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. This Rule will have no effect on family earnings and family budget because the findings will be entered and later automatically removed from the State Central Registry at no cost to them. However, the parent may incur legal fees if they wish to go to court to contest the finding in an attempt to have their record expunged from the State Central Registry via a court order prior to the scheduled date determined by the finding.

5. The Effect on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The maintenance of information on the State Central Registry is an agency function. The records will automatically be expunged after a set amount of time depending on the finding of the investigation and whether or not we have had further involvement with the family. This expungement will require no action on the family's part at all.

Interested persons may submit written comments for 40 days from the date of this publication to Marketa Garner Gautreau, Assistant Secretary, P.O. Box 3318, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed Rule.

Ann S. Williamson
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)

There will be a cost in FY 04/05 of $392 to reproduce and distribute manual material and to publish the rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Marketa Garner Gautreau	H. Gordon Monk
Assistant Secretary	Staff Director
0503#050	Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Family Support

Food Stamp Program Standard Utility Allowance (SUA); Basic Utility Allowance (BUA) (LAC 67:III.1965 and 1966)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to Public Law 107-171, The Food Stamp Reauthorization Act of 2002, the agency is amending §§1965 and 1966 to comply with mandates issued by the United States Department of Agriculture, Food and Nutrition Service. Section 4104 of P.L. 107-171 authorizes changes that simplify the application of the standard utility allowance (SUA) and basic utility allowance (BUA) as it relates to food stamp households residing in public housing, using a shared utility meter, and paying excess utility costs. These households shall now be allowed to claim the full SUA as a shelter deduction if heating or cooling costs are incurred, or the full BUA as a shelter deduction if heating or cooling costs are not incurred. A Declaration of Emergency effecting these changes was signed February 1, 2005, and published in the February 2005 issue of *Louisiana Register*.

The agency also proposes to reformat Section 1966 to provide clarity and consistency between Sections 1965, Standard Utility Allowance, and 1966, Basic Utility Allowance.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 3. Food Stamps
Chapter 19. Certification of Eligible Households
Subchapter I. Income and Deductions
§1965. Standard Utility Allowance (SUA)

A. ...

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the SUA if heating or cooling costs are incurred.

C. The full SUA shall be allowed to all parties who contribute to the utility costs, if these costs include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with F.R. 47:51551 et seq., 7 CFR 272 and 273.9, P.L. 104-193, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:64 (February 1983), amended by the Department of Social Services, Office of Family Support, LR 21:187 (February 1995), LR 23:82 (January 1997), LR 24:108 (January 1998), LR 29:606 (April 2003), LR 31:

§1966. Basic Utility Allowance (BUA)

A. Households which do not incur heating or cooling costs separate and apart from their rent or mortgage use a mandatory single Basic Utility Allowance (BUA). To be eligible, a household must be billed on a regular basis for utility costs.

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the BUA if heating or cooling costs are not incurred.

C. The full BUA shall be allowed to all parties who contribute to the utility costs, if these costs do not include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:108 (January 1998), amended LR 29:606 (April 2003), LR 31:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The Rule will have no effect on the stability of the family.

2. What effect will this Rule have on the authority and rights of persons regarding the education and supervision of their children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this Rule have on the functioning of the family? The Rule will have no effect on the functioning of the family.

4. What effect will this Rule have on family earnings and family budget? This Rule should have a positive impact on the family budget, as it will result in an increase in Food Stamp benefits for qualified households.

5. What effect will this Rule have on the behavior and personal responsibility of children? This Rule will not impact the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this is strictly an agency function.

Interested persons may submit written comments by, April 28, 2005, to Adren O. Wilson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065. He is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on April 28, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann Silverberg Williamson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Food Stamp ProgramCStandard Utility Allowance (SUA); Basic Utility Allowance (BUA)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed action will increase state costs by increasing certain FS recipients' monthly benefits by an average of $42. This will result in an annual increase of $2, 847,810 for FY 04/05 and $6,834,744 for FY 05/06 and 06/07. However, the increase in the expenditures in the form of Food Stamp benefits will be paid directly with federal funds by the U.S. Department of Agriculture Food and Nutrition Services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule will have no impact on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule will result in no costs to any persons or nongovernmental units. Food stamp recipients in public housing will receive an estimated annual increase of $6,834,744 in food stamp benefits ($2,847,810 for FY 04/05).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule will not impact competition or employment.

Adren O. Wilson
Assistant Secretary
0503#047

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development
Office of Highways/Engineering

Control of Outdoor Advertising
(LAC 70:III.138)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend Subchapter C of Chapter 1 of Part III of Title 70 entitled "Regulations for Control of Outdoor Advertising," in accordance with R.S. 48:461, et seq.

Title 70
TRANSPORTATION
Part III. Outdoor Advertising
Chapter 1. Outdoor Advertising
Subchapter C. Regulations for Control of Outdoor Advertising
§138. Erection and Maintenance of Outdoor Advertising in Areas Zoned Commercial and Industrial

A. *Areas Zoned Commercial or Zoned Industrial* those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include areas which reflect strip zoning, spot zoning or variances granted by the local political subdivisions strictly for outdoor advertising.

B. To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising laws and/or rules, the following factors shall be taken into consideration:

1. expressed reason for zoning change;
2. zoning for the surrounding area;
3. actual land use;
4. existence of plans for commercial or industrial development;
5. availability of utilities (water, electricity, sewage) in the newly zoned area;
6. existence of access roads or dedicated access to the newly zoned area; and
7. documentation that property has been assessed in accordance with zoning.

C. If a combination of the factors set forth in Subsection B demonstrate that the zoning action is taken primarily to allow outdoor advertising devices (billboards) in areas that have none of the attributes of a commercial or industrial area, the department may deny a permit for the erection of outdoor advertising devices.

D. If outdoor advertising permits have been issued for existing devices in zoned areas which do not meet the requirements of Subsections B and C, such outdoor advertising devices will be considered "legal non-conforming."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:

Family Impact Statement

The proposed adoption of this Rule should no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent. Such comments should be submitted to Sherryl J. Tucker, Senior Attorney, P. O. Box 94245, Baton Rouge, LA 70804, Telephone (225) 237-1359.

J. Michael Bridges, P.E.
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Control of Outdoor Advertising

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs associated with this proposed rule. Implementation of the proposed rule will place the Department in compliance with Federal law and make the existing rules more clear and workable for both the Department and the outdoor advertising industry. The rules define "commercial and industrial zoning" so that the Department and the Federal Government may recognize whether or not such zoning is established by local governing authorities solely for the purpose of enabling outdoor advertising devices (billboards) to be installed along highways where they would not be legally allowed otherwise.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

If this rule change is implemented, there will be no effect on revenue collections of state or local governmental units. This rule change has been requested by the Federal Highway Administration which has also informed the Department that should the Department fail to implement this rule change, the State could lose ten percent of its Federal Highway funding.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The outdoor advertising industry will be most directly affected by this rule change. In the future, these companies may have fewer locations to construct new billboards which could result in a possible loss of future revenue, the amount of which cannot be estimated at this time. However, as a result of fewer new billboards being constructed in the future, the value of the current inventory space for advertising could increase. (Note

that no devices currently permitted will be required to be removed.)

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition. The proposed rule applies equally to all facets of the outdoor advertising industry. Because of the possible loss of future revenues noted in Paragraph III, employment opportunities in the outdoor advertising industry could be negatively affected. This effect, however, should be minimal.

J. Michael Bridges, P.E.	Robert E. Hosse
Undersecretary	General Government Section Director
0503#056	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

General and Wildlife Management Area Hunting
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through February 28 during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a $25 registration fee and $0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached

through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP rules.

9. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

i. license deer farmers;

ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;

iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and

iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a $25 administrative processing fee. Each hunter must have the landowner antlerless deer tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season bag limit for hunters. For more information, contact any Wildlife Division Regional Office.

10. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside for purposes of this rule means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve for purposes of this rule means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer for purposes of this rule means any animal of the species Odocoileus virginianus which is confined on a supplemented hunting preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer consult the regulations pamphlet.

ii. Exotics year round.

c. Methods of Take

i. White-Tailed Deer same as outside.

ii. Exotics exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including saboted bullets only.

d. Shooting Hours

i. White-Tailed Deer same as outside.

ii. Exotics one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer same as outside.

ii. Exotics no limit.

f. Hunting Licenses

i. White-Tailed Deer same as outside.

ii. Exotics no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

11. Bobcat. The hunting of bobcats will be legal only during the open deer season in all deer hunting areas. The legal shooting hours and the legal methods for the taking of bobcats shall be the same as defined for the taking of deer. License requirements shall also be the same for deer. The season limit shall be one.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt, the youth must have satisfactorily completed a hunter safety course approved by LDWF to participate.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

12. Promotional Hunting Days

a. The following dates are established as promotional hunting days:

i. 2005-2006 hunting season: November 25-27, 2005;

ii. 2006-2007 hunting season: November 24-26, 2006; and

iii. 2007-2008 hunting season: November 23-25, 2007.

b. Persons availing themselves of promotional hunting days shall be entitled to hunt resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs on designated days without the payment of fees and without obtaining any license other than the below referenced letter of permit. Persons wishing to avail themselves of promotional hunting days shall be subject to the following requirements and restrictions.

i. All applicants must be at least 16 years of age, and not currently under a suspension or revocation of hunting privileges.

ii. All applicants must submit, on a form and in a manner prescribed by the department, such personal information as may be required by the department including, but not limited to, name, address, date of birth, drivers' license number, and social security number.

iii. No person shall be entitled to apply for or receive more than one letter of permit for promotional hunting days in his or her lifetime.

iv. Any eligible person who applies for the promotional hunting days shall receive a letter of permit from the secretary.

v. Any person hunting under the promotional hunting days letter of permit must be accompanied by a validly licensed hunter.

vi. Any person hunting under the promotional hunting days letter of permit shall meet all other legal requirements for obtaining a hunting license, including but not limited to, successful completion of a hunter education course.

vii. Any person hunting under the promotional hunting days letter of permit must have in his possession while hunting, a valid hunter education card or certificate.

viii. Any person hunting under the promotional hunting days letter of permit may hunt during all legal hunting hours on the dates recited in the permit, but only during legal hunting hours.

ix. Any person hunting under a letter of permit shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to the holder of a hunting license.

x. Any person hunting under the promotional hunting days letter of permit may hunt any species of resident game birds or game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs for which the season is open at the time of the above stated weekends, but only those species for which the season is open at the time of the above stated weekends.

xi. Any person hunting under the promotional hunting days letter of permit may use any gear or method of take which is legal on the above designated weekends.

xii. Any person hunting under the promotional hunting days letter of permit may hunt only resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs. All other species are excluded including, but not limited to, migratory game birds.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal) deer per day except on some Federal Refuges (check refuge regulations) and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least four points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner s name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on public areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms for Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including saboted bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters

between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a buck's only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the buck's only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight;

(e). to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restrictions in this paragraph shall not apply to any person who has lost one or more limbs.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange 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. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with physically challenged hunter permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youths under the age of 16 only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open.

i. Catahoula east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to La. Hwy. 8, south and east of La. Hwy. 8 southwesterly to parish line.

ii. Grant east of U.S. 165 and south of La. 8.

iii. LaSalle south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

iv. Livingston north of I-12.

v. Rapides east of U.S. 165 and north of Red River.

vi. St. Tammany all except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. Tangipahoa north of I-12.

viii. West Feliciana all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton Rouge east of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to parish line, south of parish line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. Franklin all.

iv. St. Helena north of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to

the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. Tangipahoa that portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. Tammany east of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West Feliciana west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open.

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn.

ii. Except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open.

i. Allen north of U.S. 190 and east of La. 113.

ii. Avoyelles that portion west of I-49.

iii. Beauregard east of La. 113.

iv. Catahoula west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.

v. Evangeline all except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vi. Grant all except that portion south of La. 8 and east of U.S. 165.

vii. Jefferson Davis north of U.S. 190.

viii. LaSalle north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84, west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.

ix. Morehouse west of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

x. Ouachita all except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

xi. Rapides all except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xii. Vernon east and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes.

i. Claiborne and Webster Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations).

ii. Ouachita east of Ouachita River.

iii. Rapides west of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to parish line, north of parish line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open.

i. Allen south of U.S. 190 and west of La. 113.

ii. Beauregard west of La. 113. Also east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line.

iii. Calcasieu south of U.S. 90 from Sulphur to Texas State line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia west of U.S. 90 and north of La. 14.

v. Jefferson Davis all except north of U.S. 190.

vi. Lafayette west of I-49 and U.S. 90.

vii. Rapides south of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry west of U.S. 167.

ix. Vernon west and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of East Carroll and Richland parishes are open.

b. Portions of the following parishes are open.

i. Morehouse east of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. Ouachita south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

c. Portions of the following parishes are also open.

i. Avoyelles all except that portion west of I-49.

ii. Evangeline that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. Iberia east of U.S. 90.

iv. Lafayette east of I-49 and U.S. 90.

v. Livingston south of I-12.

vi. Rapides south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry east of U.S. 167.

viii. St. Mary north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to Terrebonne Parish line.

ix. St. Tammany that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa south of I-12.

xi. West Feliciana west of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all or portions of the following parishes:

i. Avoyelles north of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines east of the Mississippi River.

iii. Rapides south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John south of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. Landry those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

7. Area 7

a. Portions of the following parishes are open.

i. Iberia south of La. 14 and west of U.S. Hwy. 90.

ii. St. Mary south of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, west of Wax Lake Outlet southward to Intracoastal Waterway, south of Intracoastal Waterway from Wax Lake Outlet eastward to Terrebonne Parish line.

8. Area 8

a. Portions of the following parishes are open.

i. Beauregard that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line;

ii. Calcasieu that portion west of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

G. Wildlife Management Area Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3 a.m. unless otherwise specified. On days when daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without

prior approval from the Baton Rouge office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to 5 gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA hunting permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of three portions: check in, check out and a Vehicle Tag. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate region office for the location of the deer check station on these WMAs. (Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Persons using WMAs or other department administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except handicapped seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt. Only youths younger than 16 years of age may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Handicapped Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering handicapped seasons. Pointe-aux-Chenes will have an experimental

Lottery handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

e. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery deer hunts.

f. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

g. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

i. Trapping. Permits to take furbearers from WMAs may be obtained at appropriate offices when required. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the region office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

j. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

k. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

l. Additional Department Lands. The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours (except in authorized camping areas and except as may be permitted for authorized trappers).

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer

hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not be responsible for unattended stands left on an area.

g. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. All other hunters and archers (while on the ground) also must wear a minimum of a "Hunter Orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange".

o. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, ALL oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed; see individual WMA season

listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 pounds, length 85", and width 48". ATV tires are restricted to those no larger than 25 x 12 with a maximum l" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs Rl, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads until they are reopened for LMV traffic. WMA maps available at all region offices. This restriction does not apply to bicycles.

NOTE: All ATV trails are marked with signs and/or paint, but not all ATV trails appear on WMA maps.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

o. Hunters over the age of 59 and those with a physically challenged hunter permit are allowed to retrieve their own downed deer and hogs with the aid of an ATV under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-

Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any legal hunting season on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River and Red River WMAs (consult Pearl River and Red River WMAs regulations) by permit from either the Baton Rouge or Ferriday offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 2.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Acadiana Conservation Corridor

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers.

d. Attakapas

e. Bayou Macon. All night activities prohibited except as otherwise provided.

f. Bayou Pierre

g. Bens Creek

h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake

j. Biloxi

k. Bodcau

l. Boeuf

m. Boise-Vernon

n. Buckhorn

o. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details.

p. Dewey W. Wills Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting.

r. Elm Hall. No ATVs allowed.

s. Floy Ward McElroy

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. New special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12 noon on all game except during Youth Lottery Hunt. All nighttime activities prohibited.

y. Lake Ramsey. Foot traffic only all vehicles restricted to Parish Roads.

z. Little River

aa. Loggy Bayou

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial

Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open only on the first three Saturdays of the second split of mourning dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by internal combustion engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Mudboats and boats powered by inboard engines, inboard/outboard engines, or air-cooled engines, larger than 25 h.p., are allowed only in oil company access canals, Cutoff Little Bayou Blue, Sulfur Mine, Bayou Bouillon, Wonder Lake, St. Louis Canal, Bayou Salle and Bayou Pointe-aux-Chenes. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the department. All other motorized vehicles, horses and mules are prohibited unless authorized by the department.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: April 1-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1-28, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 h.p. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for

bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads.

pp. Sherburne. Crawfishing Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and pistol range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. No hunting or trapping in restricted area (see WMA map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: March 11, 6 p.m., LSU Agriculture Center, Lake Charles; March 14, 6 p.m., Ruston Civic Center, Ruston; March 14, 7 p.m., Houma Municipal Auditorium, Houma; March 15, 6 p.m., National Wetlands Research Center, Lafayette; March 15, 7 p.m., Bossier Civic Center, Bossier City; March 16, 7 p.m., SLU University Center, Hammond; March 17, 7 p.m., LDWF Headquarters Building, Louisiana Room, Baton Rouge; March 23, 6:30 p.m., Alexandria Convention Hall, Alexandria; and March 24, 7 p.m., Council on Aging Building, Winnsboro. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from April through July. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 5, 2005 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Wayne J. Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: General and Wildlife Management Area Hunting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule amends permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production and distribution of the regulation pamphlet. Cost of printing and distributing the 2004-2005 state hunting pamphlet was $13,663 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are between 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately $25.3 million in state sales tax, $5.1 million in state income tax and $23 million in local sales tax revenues annually (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 275,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by

this proposal. Hunting in Louisiana generates in excess of $581 million annually through the sale of outdoor related equipment, associated items and trip related expenditures (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce revenues associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 9,184 jobs (IAFWA; Southwick Associates, 2002). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Janice A. Lansing	Robert E. Hosse
Undersecretary	General Government Section Director
0503#025	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Oyster Lessee Out-of-State Landing Program
(LAC 76:VII.515)

The Wildlife and Fisheries Commission does hereby give notice of its intent to modify LAC 76:VII.515 relative to the Oyster Lessee Out-of-State Landing Program. Authority for adoption of this Rule is included in R.S. 56:6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425. Said Rule is attached and made a part of this Notice of Intent.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 5. Oysters
§515. Oyster Lessee Out-of-State Landing Program

A. Policy. The oyster lessee out-of-state landing permit is intended for the benefit of an oyster leaseholder, or his duly authorized designee, who desires to land oysters, from privately leased water bottoms only, outside the state of Louisiana, and to provide an effective method of regulating the transportation of oysters landed or off-loaded from a vessel outside of Louisiana. It is for use by Louisiana licensed oyster fishermen. Violation of any provision of the rules, regulations or statutes concerning the oyster out-of-state landing permit by the permittee, oyster harvester or vessel owner while operating under the permit shall result in the suspension and/or revocation of the permit in addition to any citations resulting from activities. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year. The cost per permit shall be $100.

B. Permit Application and Procedures

1. Applications shall be available from the Louisiana Department of Wildlife and Fisheries (LDWF) licensing office in New Orleans at any time during regular business hours. Completed applications, along with required documentation, will be accepted only by appointment at the LDWF Marine Fisheries Division in New Orleans. Applications shall only be accepted from the oyster leaseholder, or harvester operating on the leaseholder's behalf. All required information shall be provided before a permit is issued.

2. Applications shall include the following information:

a. applicant information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) and vessel registration or U.S. Coast Guard (USCG) documentation;

b. leaseholder information including name, address, and leaseholder account identification number:

i. if name of leaseholder is a corporation, partnership, or other legal entity, the Louisiana Secretary of State Charter/Organization number must be provided;

ii. if the name of the leaseholder is different than the applicant, the applicant must provide valid permission from the leaseholder (also refer to Subparagraph B.2.i. below);

c. harvester information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

d. vessel owner information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

e. vessel information including name of vessel, vessel license number, USCG vessel documentation number, and/or vessel registration number, if applicable;

f. lease number(s) to be fished, and leaseholder name and identification number for each lease, while operating under the permit;

g. copies of vessel registration certificate(s) or U.S. Coast Guard vessel documentation certificate;

h. proof of lease ownership by supplying copies of certified lease plats and documents:

i. Corporation. If lessee name on plat is a corporation, provide the Louisiana Secretary of State Charter/Organization number. The applicant must be a registered director or agent of the corporation. If the applicant has been given permission to fish the lease(s) by the corporation, please refer to Subparagraph B.2.i. below;

ii. Power of Attorney. If lease(s) listed on the application are not listed under the applicant's account, the applicant shall provide documentation of power of attorney for the estate of the leaseholder. If the applicant has been given permission to fish the lease(s) by the estate of the leaseholder, please refer to Subparagraph B.2.i. below;

i. written, signed, notarized, and dated permission from the leaseholder to fish the lease(s), if applicable:

i. Corporation. The person granting permission must be a registered director or agent of the corporation which owns the lease(s) listed on the application;

ii. Power of Attorney. The person granting permission must provide documentation of power of

attorney for the estate of the leaseholder which owns the lease(s) listed on the application.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must maintain the original permit on board at all times while operating under the permit, including during times of fishing and transportation. Valid permission from the leaseholder must be present on the permitted vessel while operating under the permit. The complete original permit must be surrendered to the department in the event the permittee chooses to have the permit modified. Any change in leases fished shall require the permittee to submit a new application at no additional expense prior to fishing different leases. Any change in vessel shall require the permittee to submit a new application and permit fee. At no time while operating under the permit and transporting oysters out-of-state shall the permittee have on board the permitted vessel oysters taken from non-leased water bottoms of the state or from oyster leases not listed on the original permit. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "Oyster Permit" and the permit number shall be placed on these signs in letters at least 12 inches high.

D. Records, Reporting, and Severance Tax. The permittee shall maintain an up-to-date daily record of the number of sacks of oysters landed under the permit on forms provided by the department for that purpose. The permittee shall submit to the department a monthly record of the number of sacks of oysters landed under the permit and the name and Food and Drug Administration interstate certified shellfish shipper's number of the business to whom the oysters were sold no later than 15 days following the last day of the month on forms provided by the department for that purpose, even if no landings occurred. Failure to submit monthly records or incomplete records to the department before the reporting deadline shall result in suspension or revocation of the permit, at the discretion of the department. Payment of severance tax owed, as outlined in Louisiana Revised Statutes [R.S. 56:446(A)] must accompany the monthly report.

E. Monitoring. The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, as provided herein. Oyster vessels, the owner or operator of any vessel issued an oyster lessee out-of-state landing permit or a vessel that landed oysters from a private lease in Louisiana waters, at a location outside of Louisiana, or intends to land, or lands oysters out of state, must have an operable vessel monitoring system (VMS) unit installed on board that meets the requirements of LAC 76:VII.515. The VMS unit must be certified, installed on board and operable, and the department notified of the installation, before the vessel may begin dredging or transporting oysters.

F. VMS Requirements

1. Approved VMS Devices. Those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and that meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS is deleted from the list, vessel owners that purchase a VMS unit that is part of that VMS list prior to approval of the revised list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.

2. Minimum VMS Performance Criteria. The basic required features of the VMS are as follows.

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection should be automatic to provide an optimal fix and should not be capable of being manually overridden by any person aboard a vessel or by the vessel owner.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection.

c. The VMS shall be capable of tracking vessels in all Louisiana coastal waters.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and receive position reports in real time. For the purposes of this specification, "real time" shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

f. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the department.

g. The VMS shall be capable of providing vessel locations relative to state lines, DHH and LDWF designated growing areas/waters, public oyster seed grounds, unleased state water bottoms and lease lines.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three months and providing transmissions to the department of specified portions of archived data in response to department requests and in a variety of media (tape, compact disc, etc.).

3. Operating Requirements. Except as provided in Paragraph 4 (Power Down Exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, throughout the year.

4. Power Down Exemption. Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:

a. the vessel will be continuously out of the water for more than 72 consecutive hours; and

b. a valid letter of exemption obtained pursuant to Subparagraph 5.a of this Subsection has been issued to the vessel and is on board the vessel and the vessel is in compliance with all conditions and requirements of said letter.

5. Letter of Exemption

a. Application. A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the Department of Wildlife and Fisheries and providing the following: sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again). Any VMS-equipped vessel with an out-of-state landing permit, unless required by other fishery regulations to have on board a fully operational VMS unit at all times, need not transmit a signal when the vessel is in home port.

b. Issuance. Upon receipt of an application, the Department of Wildlife and Fisheries may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a. of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the Department of Wildlife and Fisheries may change the time period for which the exemption was granted.

6. Presumption. If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction or disruption of the transmission that occurred while the vessel was declared out of the oyster fishery, as applicable, or was not at sea.

7. Replacement. Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries, within three days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described under Paragraph F.1. of this Section.

8. Access. As a condition to obtaining an out-of-state landing permit or transporting private lease oysters out-of-state, all vessel owners must allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

9. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy of computing the vessel's position fix.

10. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be deemed a violation of this Section. All oysters taken, possessed, or transported by an oyster vessel in violation shall be considered illegally taken, possessed, or transported. All persons aboard vessels with oysters on board located in the VMS demarcation area without complying with the requirements herein shall be in violation of the VMS regulations. No person shall possess, transport, sell, barter, trade, or exchange or attempt to sell, barter, trade, or exchange oysters taken from any waters of the state transported by vessel to any location outside of the state without complying with the provisions of this Section. The provisions of this Section do no exempt any person from any other laws, rules, regulation, and license requirements for this or other states as they pertain to the interstate shipment of shellfish. Violations of this Section shall constitute a Class 2 violation.

11. Demarcation Line. The VMS demarcation area is defined by a line within one mile of the state territorial line prior to exiting the state of Louisiana (a copy of a map showing the line is available from the Department of Wildlife and Fisheries upon request).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:120 (February 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:

Interested parties may submit comments relative to the proposed Rule to Patrick D. Banks, Marine Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to May 5, 2005.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its family impact statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Wayne J. Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Oyster Lessee Out-of-State Landing Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. Aside from a slight increase in workload and paperwork associated with monitoring, downloading, and storing vessel monitoring system information, the first-year cost to the state of implementing the proposed rule is estimated to be $11,200. Annual costs in subsequent years are estimated to be approximately $7,760. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

A decrease in state revenue collections from oyster lessee out-of-state landing permits may occur due to the costs associated with installing and operating a vessel monitoring system. Revenue collections of local governmental units will not be effected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will affect approximately thirty (30) commercial oyster harvesters who currently hold out-of-state oyster landing permits. They will be required to install an approved vessel monitoring system on each vessel used to land oysters harvested from privately owned leases in Louisiana at an out-of-state location. A one-time equipment purchase and installation fee will be incurred along with monthly communication fees and any necessary maintenance and repair costs. Five-year costs per vessel are estimated to range between $1,720 and $3,740. Costs incurred in subsequent years are estimated to be between $420 and $840 per year plus any

necessary maintenance and repair costs. Net income of oyster harvesters directly affected will be reduced by the initial equipment and installation costs and the continuous monthly communication, maintenance, and repair costs associated with the system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have little or no effect on competition and employment in the public and private sectors.

Janice A. Lansing
Undersecretary
0503#027

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Resident Game Hunting Seasons
(LAC 76 XIX:101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§101. General

A. The Resident Game Hunting Season, 2005-2006, 2006-2007 and 2007-2008 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:

§103. Resident Game Birds and Animals 2005-2006, 2006-2007, 2007-2008

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	2005-2006 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 19-Feb. 28	10	20
Rabbit	Oct. 1-Feb. 28	8	16
Squirrel	Oct. 1-Feb. 28	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

Species	2006-2007 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 18-Feb. 28	10	20
Rabbit	Oct. 7-Feb. 28	8	16
Squirrel	Oct. 7-Feb. 28	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

Species	2007-2008 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 17-Feb. 29	10	20
Rabbit	Oct. 6-Feb. 29	8	16
Squirrel	Oct. 6-Feb. 29	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

C.1. 2005-2006 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1- Jan. 31	Nov. 12- Nov. 18 Jan. 23-Jan. 29	Nov. 19-Dec.9 Jan. 9-Jan.22	Dec.10- Jan. 8
2	Oct. 1- Jan. 31	Oct. 22-Oct. 28 Jan. 16-Jan. 22	Oct. 29-Dec.9	Dec.10- Jan.15
3	Sept.17-Jan.15	Oct. 8-Oct. 14 Nov. 28-Dec. 2	Oct.15-Nov.27 Dec. 3-Jan. 8	
4	Oct. 1- Jan. 31	Nov. 5-Nov. 11 Jan. 9-Jan. 18	Nov.12-Jan. 8	
5	Oct. 1- Jan. 31	Nov. 12- Nov. 18 Dec. 26-Jan. 1 Bucks Only	Nov.25- Dec.11	
6	Oct. 1- Oct. 15 Bucks Only; Oct. 16- Feb. 12 Either-Sex	Nov. 12- Nov. 18 Jan. 23-Jan. 30	Nov.19-Dec. 9	Dec.10- Jan.22
7	Oct. 1- Jan. 31	Oct. 8-Oct. 14 Nov. 5-Nov. 11	Oct.15-Nov. 4 Nov.12- Nov.27	Nov.28- Jan. 1
8	Sept.17- Jan. 15	Oct. 8-Oct. 14 Nov. 28-Dec. 2	Oct.15-Nov.27	Dec. 3- Jan. 8

2. 2006-2007 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 11- Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec.8 Jan. 8-Jan.21	Dec. 9- Jan. 7
2	Oct. 1-Jan. 31	Oct. 21-Oct. 27 Jan. 15-Jan. 21	Oct. 28-Dec.8	Dec. 9- Jan.14
3	Sept.16-Jan. 15	Oct. 7-Oct. 13 Nov. 27-Dec. 1	Oct.14-Nov.26 Dec. 2-Jan. 7	
4	Oct. 1-Jan. 31	Nov. 4-Nov. 10 Jan. 8-Jan. 17	Nov.11-Jan. 7	
5	Oct. 1-Jan. 31	Nov. 11- Nov. 17 Dec. 26-Jan. 1 Bucks Only	Nov.24- Dec.10	

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
6	Oct. 1-Oct. 15 Bucks Only; Oct. 16-Feb. 11 Either-Sex	Nov. 11-Nov. 17 Jan. 22-Jan. 29	Nov.18-Dec. 8	Dec. 9-Jan.21
7	Oct. 1-Jan. 31	Oct. 7-Oct. 13 Nov. 4-Nov. 10	Oct.14-Nov. 3 Nov.11-Nov.26	Nov.27-Dec.31
8	Sept.16-Jan. 15	Oct. 7-Oct. 13 Nov. 27-Dec. 1	Oct.14-Nov.26	Dec. 2-Jan. 7

3. 2007-2008 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 10-Nov. 16 Jan. 21-Jan. 27	Nov. 17-Dec.7 Jan. 7-Jan.20	Dec. 8-Jan. 6
2	Oct. 1-Jan. 31	Oct. 20-Oct. 26 Jan. 14-Jan. 20	Oct. 27-Dec.7	Dec. 8-Jan.13
3	Sept.15-Jan.15	Oct. 6-Oct. 12 Nov. 26-Nov.30	Oct.13-Nov.25 Dec. 1-Jan. 6	
4	Oct. 1-Jan. 31	Nov. 3-Nov. 9 Jan. 7-Jan. 16	Nov.10-Jan. 6	
5	Oct. 1-Jan. 31	Nov. 10-Nov. 16 Dec. 26-Jan. 1 Bucks Only	Nov.23-Dec. 9	
6	Oct. 1-Oct. 15 Bucks Only; Oct. 16-Feb. 10 Either-Sex	Nov. 10-Nov. 16 Jan. 21-Jan. 28	Nov.17-Dec. 7	Dec. 8-Jan.20
7	Oct. 1-Jan. 31	Oct. 6-Oct. 12 Nov. 3-Nov. 9	Oct.13-Nov. 2 Nov.10-Nov.25	Nov.26-Dec.30
8	Sept.15-Jan. 15	Oct. 6-Oct. 12 Nov. 26-Nov. 30	Oct.13-Nov.25	Dec. 1-Jan. 6

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
Acadia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Allen	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Ascension	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Assumption	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Avoyelles	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 25-27, Dec. 3-4, 10-11
Beauregard	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Bienville	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Bossier	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Caddo	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Calcasieu	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Caldwell	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Cameron	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Catahoula	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Claiborne	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Concordia	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
DeSoto	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
East Baton Rouge	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
East Carroll	Area 4 portion	Nov. 12-13, 19-20, 25-27, Dec. 3-4, 10-11, 17-18, east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
	Area 4	Nov. 12-13, 25-27, remainder of the parish
East Feliciana	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Evangeline	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Franklin	Area 1	Nov. 19-20, 23-27, Dec. 10-11
Grant	Area 1	Nov. 19-20, 23-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Iberia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
Iberville	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Jackson	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Jefferson	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Jefferson Davis	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Lafayette	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Lafourche	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
LaSalle	Area 1	Nov. 19-20, 25-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Lincoln	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Livingston	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Madison	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Morehouse	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Natchitoches	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Orleans		Closed to all deer hunting
Ouachita	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Plaquemines	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Pointe Coupee	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, Dec. 24-25, 31, Jan. 1
Rapides	Area 1	Nov. 19-20, 23-27, Dec. 10-11
	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1

Parish	Area	Modern Firearm Either-Sex Days
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Red River	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Richland	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Sabine	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
St. Bernard	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Charles	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Helena	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. James	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. John	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Landry	Area 3	Oct. 15-16, Nov. 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Martin	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Mary	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
St. Tammany	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Tangipahoa	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Tensas	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Terrebonne	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Union	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Vermilion	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Vernon	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Washington	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Webster	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
West Baton Rouge	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
West Carroll	Area 5	Nov. 25-26
West Feliciana	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Winn	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7, Dec. 1-7, Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days:

a. 2005 B 2006 Hunting Season: November 25-27, 2005;

b. 2006 - 2007 Hunting Season: November 24-26, 2006; and

c. 2007 B 2008 Hunting Season: November 23-25, 2007.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), LR 30:1494 (July 2004), LR 31:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its family impact statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: March 11, 6 p.m., LSU Agriculture Center, Lake Charles; March 14, 6 p.m., Ruston Civic Center, Ruston; March 14, 7 p.m., Houma Municipal Auditorium, Houma; March 15, 6 p.m., National Wetlands Research Center, Lafayette; March 15, 7 p.m., Bossier Civic Center, Bossier City; March 16, 7 p.m., SLU University Center, Hammond; March 17, 7 p.m., LDWF Headquarters Building, Louisiana Room, Baton Rouge; March 23, 6:30 p.m., Alexandria Convention Hall, Alexandria; and March 24, 7 p.m., Council on Aging Building, Winnsboro. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from April through July. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 5, 2005 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Wayne J. Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting Seasons

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production and distribution of the regulation pamphlet. Cost of printing and distributing the 2004-2005 state hunting pamphlet was $13,663 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are between 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately $25.3 million in state sales tax, $5.1 million in state income tax and $23 million in local sales tax revenues annually (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 275,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates in excess of $581,000,000 annually in retail sales of outdoor related equipment, associated items and trip related expenditures (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce revenues associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 9,184 jobs (IAFWA; Southwick Associates, 2002). Not establishing hunting seasons may have a negative and direct impact on these jobs.

Janice A. Lansing	Robert E. Hosse
Undersecretary	General Government Section Director
0503#026	Legislative Fiscal Office