

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

#### Total Dissolved Carbon Dioxide Testing

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule effective April 27, 2000, and it shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever comes first.

The Louisiana State Racing Commission finds it necessary to adopt this rule to ban bicarbonate loading or the administration of milkshakes or other substances that affect total dissolved carbon dioxide levels when administered by use of nasogastric tube or any other means whatsoever, which shall be deemed to have an adverse affect on the horse by changing its normal physiological state through elevation of blood total dissolved carbon dioxide, and to include provisions for total dissolved carbon dioxide testing in horses.

#### Title 35 HORSE RACING

##### Part I. General Provisions

##### Chapter 17. Corrupt and Prohibited Practices

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

###### A. Definitions

1. *Bicarbonate Loading or Milkshaking* ☞ terms used to describe the administration of bicarbonate of soda (sodium bicarbonate or NaHCO<sub>3</sub>) or other substances that affect total dissolved carbon dioxide levels, administered through a nasogastric tube or by any other means, which shall be deemed to have an adverse affect on the horse by changing its normal physiological state through elevation of blood total dissolved carbon dioxide.

2. *Nasogastric Tube* ☞ any tube which can be inserted through the nose that extends into the stomach.

###### B. Procedures

1. The state veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO<sub>2</sub> (total dissolved carbon dioxide) concentration level.

2. Blood samples for TCO<sub>2</sub> shall be drawn not earlier than 90 minutes following the official post-time of the race.

3. The post-race TCO<sub>2</sub> level in the blood shall not exceed:

a. 39.0 millimole per liter if the horse is competing on furosemide (lasix) or other permitted medication known to affect TCO<sub>2</sub>;

b. 37.0 millimole per liter if the horse is not competing on furosemide (lasix) or other permitted medication known to affect TCO<sub>2</sub>.

4. In the event a post-race sample drawn from a horse contains an amount of TCO<sub>2</sub> which exceeds the levels described above, the following penalties shall apply.

a. The first time the laboratory reports an excessive TCO<sub>2</sub> level, the trainer shall be fined \$1,000 and the purse shall be redistributed.

b. The second time the laboratory reports an excessive TCO<sub>2</sub> level, the stewards shall suspend the trainer for the duration of the race meeting plus ten days or for a period not to exceed six months, whichever is greater, and shall refer the case to the commission.

c. For each subsequent report of an excessive TCO<sub>2</sub> level, the penalties provided for in (B)(4)(b) shall apply.

5. The provisions of §1733 and §1769 through §1775, pertaining to split samples, shall not apply to blood samples drawn for the purposes of TCO<sub>2</sub> testing.

6. No permittee other than veterinarians shall possess a nasogastric tube, as described herein, on the premises under the jurisdiction of the commission.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:0000 (May 2000).

Charles A. Gardiner III  
Executive Director

0005#076

## DECLARATION OF EMERGENCY

### Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)  
(LAC 28:IV. 301, 501, 503, 509, 701, 703, 705,  
801, 803, 805, 1701, 1703, 1901, 1903, 2107)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to implement changes to the TOPS rules that were passed in Acts 69, 73, 105, 110 and 133 of the First Extraordinary Session, 2000 of the Louisiana Legislature in order to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective April 19, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28**  
**EDUCATION**

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

**Chapter 3. Definitions**

**§301. Definitions**

A. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

\* \* \*

*Academic Year (High School)* the annual academic year for high school begins with the fall term, includes the winter and spring terms and ends at the conclusion of the summer term, in that order. This definition is not to be confused with the Louisiana Department of Education's definition of school year, which is found in Louisiana Department of Education Bulletin 741.

\* \* \*

*Average Award Amount* for those students attending a regionally accredited independent college or university in this state which is a member of the Louisiana Association of Independent Colleges and Universities and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the average maximum tuition, as determined by the agency, charged to full time students attending public postsecondary institutions for technical training that offer a vocational or technical education certificate or diploma program or a non-academic undergraduate degree.

\* \* \*

*Eligible Colleges or Universities* Louisiana public colleges or universities and regionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities.

\* \* \*

*First-Time Freshman* a student who enrolls for the first-time as a full-time freshman in a postsecondary school subsequent to high school graduation, and continues to be enrolled full-time on the fourteenth class day (ninth class day for Louisiana Tech). A student who begins postsecondary or university attendance in a summer session will be considered a first-time enrollee for the immediately succeeding fall term. The fact that a student enrolls in a postsecondary school prior to graduation from high school and/or enrolls less than full time in a postsecondary school prior to the required date for full-time enrollment shall not preclude the student from being a First Time Freshman.

\* \* \*

*High School Graduate* for the purposes of these rules, is defined as a student certified by award of a high school diploma to have satisfactorily completed the required units at a high school meeting the eligibility requirements of these rules or a student who has completed at least the final two years of a BESE-approved home study program and has reported such to BESE. A student who graduates at any time during an Academic Year (High School) shall be deemed to have graduated on May 31<sup>st</sup> of that year. For the purposes of determining when a student must begin postsecondary enrollment, all students that report completion of an approved home study course to BESE during an Academic

Year (High School) are deemed to have graduated on May 31<sup>st</sup> of that year.

\* \* \*

*Weighted Average Award Amount* for those students attending a regionally accredited independent college or university in this state which is a member of the Louisiana Association of Independent Colleges and Universities and enrolled in an academic program, the total dollar value of awards made under TOPS in the prior academic year, excluding award stipends, to students attending public colleges and universities that offer academic degrees at the baccalaureate level, divided by the total number of students that received the awards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:

**Chapter 5. Application; Application Deadlines and Proof of Compliance**

**§501. Application**

A. Initial Application. All new applicants for Louisiana scholarship and grant programs must apply for federal aid by completing the Free Application for Federal Student Aid (FAFSA) for the academic year following the year the student graduated from high school. For example, if the student will graduate from high school in school year 2000-2001, submit the 2001-2002 version of the FAFSA.

1. All applicants (except those students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition) must complete all applicable sections of the initial FAFSA.

2. Students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition must complete all applicable sections of the initial FAFSA except those sections related to the income and assets of the applicant and the applicant's parents.

3. In the event of a budgetary shortfall, applicants who do not complete all sections of the FAFSA will be the first denied a TOPS award.

B. Renewal Application

1. In order to remain eligible for TOPS awards, a student must file a renewal FAFSA by the deadline set in §503 (unless the student can demonstrate that he does not qualify for federal grant aid because of his family's financial condition).

2. Students who can demonstrate that they do not qualify for federal grant aid because of their family's financial condition are not required to submit a renewal FAFSA.

3. In the event of a budgetary shortfall, applicants who do not file a FAFSA or who do not complete all sections of the FAFSA will be the first denied a TOPS award.

C. The deadline for priority consideration for state aid is published in the FAFSA's instructions and may be revised annually by the LASFAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 26:

### **§503. Application Deadlines**

A.-A.4. ...

B. Final Deadline For Full Award. In order to receive the full benefits of a TOPS award as provided in §701.E, the final deadline for receipt of a student's initial FAFSA application is July 1st of the Academic Year (High School) in which a student graduates. For example, for a student graduating in the 2000-2001 Academic Year (High School), the student must submit the initial FAFSA in time for it to be received by the federal processor by July 1, 2001.

C. ...

D. Final Deadlines For Reduced Awards

1. If an application for an initial award under this Chapter is received after the deadline provided in §503.B above, but not later than 60 days after that deadline, the time period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters.

2. If an application for an initial award under this Chapter is received more than 60 days after the deadline provided in §503.B above, but not later than 120 days after that deadline, the time period of eligibility for the award shall be reduced by two semesters or three quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters.

3. Applications received more than 120 days after the published deadline shall not be considered.

E. The reduction of the applicant's period of eligibility for this award under §503.D above shall not be cumulative with any reduction under §509.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 25:655 (April 1999), LR 25: (December 1999), LR 26:

### **§509. American College Test (ACT) Testing Deadline**

A. The student must take the official American College Test (including National, International, Military or Special test types) on or before the official April test date in the Academic Year (High School) in which the student graduates.

B. The student may substitute an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT) taken on or before the official April test date in the Academic Year (High School) in which the student graduates.

C. Final ACT Testing Deadline for Reduced Awards

1. Beginning with awards made for the 2000-2001 academic year and thereafter, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for either the TOPS Opportunity Award or for the TOPS-TECH Award, or if the student has not previously qualified for either the TOPS Opportunity Award or for the TOPS-TECH Award, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude

Test for the TOPS Performance Award or the TOPS Honors Award that is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted; however, when granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Subparagraph, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. An applicant will not be allowed to use a test score obtained after high school graduation to upgrade a TOPS Opportunity Award to a TOPS Performance or Honors Award.

2. Students who fail to achieve an ACT or SAT qualifying score by July 1<sup>st</sup> after high school graduation shall not be considered for an award.

D. Students who graduated during the 1998-1999 school year who are otherwise qualified for a TOPS award and who obtained a qualifying score on the American College Test or the Scholastic Aptitude Test on an authorized testing date after the date of the student's graduation but prior to July 1, 1999 shall be considered to have met the requirements of section 509 A and B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:

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

### **§701. General Provisions**

A.-D.3. ...

E. Award Amounts. The specific award amounts for each component of TOPS are as follows:

1. The TOPS Opportunity Award provides an amount equal to undergraduate tuition for full-time attendance at an Eligible College or University for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C.

2. The TOPS Performance Award provides a \$400 annual stipend, in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C.

3. The TOPS Honors Award provides an \$800 annual stipend, in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, twelve quarters, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C.

4. ...

5. Students attending a regionally accredited independent college or university which is a member of the

Louisiana Association of Independent Colleges and Universities (LAICU):

a. In an academic program receive an amount equal to the Weighted Average Award Amount, as defined in §301, plus any applicable stipend.

b. In a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the Average Award Amount, as defined in §301, plus any applicable stipend.

6. - 8. ...

9. Prior recipients of the Louisiana Honors Scholarship who attend a campus of the Louisiana Technical College may continue to attend that institution as a recipient of the TOPS Performance Award.

10. ...

11. Students enrolled and attending more than one college or university at the same time shall be awarded as follows:

a. students attending two or more Louisiana public two or four-year colleges or universities shall receive a total amount not to exceed the amount that would be charged to the student by the school with the highest tuition among those at which the student is simultaneously enrolled;

b. students attending two or more regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the Weighted Average Award Amount, as defined in §301;

c. students attending a combination of Louisiana public two or four-year colleges or universities and regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) in an academic program shall receive a total amount not to exceed the amount that would be paid at the public school with the highest tuition among those at which the student is simultaneously enrolled or the Weighted Average Award Amount, whichever amount is greater.

F. Beginning with the 2000-2001 academic year and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$200 per semester or \$400 per academic year which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. prior to June 18, 1999, the student was determined by the administering agency to be eligible for a Performance Award, but who chose either by submission of a completed Award Confirmation Form or by not sending in a completed Award Confirmation Form to receive an Opportunity Award and was awarded an Opportunity Award; and

2. the student, once enrolled at an eligible institution, has continuously met all requirements to maintain continued state payment for a Performance Award.

G. Beginning with the 2000-2001 academic year and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$400 per semester or

\$800 per academic year which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. prior to June 18, 1999, the student was determined by the administering agency to be eligible for a Honors Award, but who chose either by submission of a completed Award Confirmation Form or by not sending in a completed Award Confirmation Form to receive an Opportunity Award and was awarded an Opportunity Award; and

2. the student, once enrolled at an eligible institution, has continuously met all requirements to maintain continued state payment for a Honors Award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:256 (February 1999) LR 26 (January 2000), LR 26: (June 2000), LR 26: (September 2000), LR 26:

### **§703. Establishing Eligibility**

A.-A.2. ...

3. submit the completed Free Application for Federal Student Aid (FAFSA) in accordance with §501:

a. by the applicable state aid deadline defined in §503; and

b. the dependents of Louisiana residents on active duty with the Armed Forces stationed outside of the state of Louisiana must enter a Louisiana postsecondary institution in that section of the FAFSA which asks the applicant to name the colleges he plans to attend; and

4. initially apply and enroll as a First-Time Freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901; and

a. - f. ...

g. all students must apply for an award by July 1st of the Academic Year (High School) in which they graduate to establish their initial qualification for an award, except as provided by section 503.D. For a student entitled to defer acceptance of an award under section 703.A.4.b. or d., that student must apply by July 1st of the Academic Year (High School) in which the student graduates, except as provided by section 503.D, and must also apply by July 1st prior to the Academic Year (College) in which the student intends to first accept the award, and every year of eligibility thereafter, except as provided in Section 501.B;

5. - C. ...

D. Students who have qualified academically for more than one of the TOPS awards, excluding the TOPS Teacher Award, shall receive the award requiring the most rigorous eligibility criteria.

E. - F. ...

G. Early Admission to College

1. A student who enters an Eligible College or University under an early admissions program prior to high school graduation will be eligible for an appropriate award under the following conditions:

a. - d. ...

2. A student who graduates from high school in less than four years or who enters an Eligible College or University early admissions program prior to graduation

from high school shall be considered a First-Time Freshman, as defined in §703, not earlier than the first semester following the academic year in which the student would have normally graduated had he or she not graduated early or entered an early admissions program. A student who graduates high school in less than four years or enters an early admissions program will remain eligible for a TOPS award until the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student normally would have graduated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17: 959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648. Promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26: (January 2000), LR 26: (April 2000), LR 26: (June 2000), LR 26: (July 2000), LR 26: (August 2000), LR 26: (September 2000), LR 26:

### **§705. Maintaining Eligibility**

A. ...

1. have received less than four years or eight semesters of TOPS Award funds, unless reduced as required by section 503.D; and

2. submit the Renewal FAFSA in accordance with §501.B; and

3. - 5. ...

6. continue to enroll and accept the TOPS award as a full-time undergraduate student in an eligible postsecondary institution, as defined in §1901, and maintain an enrolled status throughout the academic term, unless granted an exception for cause by LASFAC; and

7. by the end of each academic year, earn a total of at least 24 college credit hours during the fall and spring semesters or fall, winter and spring quarters in an academic program at an Eligible College or University, or either earn a total of at least 24 college credit hours or complete an average of 30 clock hours per week during the fall and spring semesters or fall, winter and spring quarters in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree at an Eligible College or University as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year. These hours shall include remedial course work required by the institution, but shall not include hours earned during summer sessions or intersessions or by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; and

8. ...

9. maintain at an Eligible College or University, by the end of each academic year (the conclusion of the spring term), a cumulative college grade point average (GPA) on a 4.00 maximum scale of at least:

a. a 2.30 with the completion of less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an Opportunity Award; or

b. a 3.00 for continuing receipt of either a Performance or Honors Award.

B.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:

## **Chapter 8. TOPS-TECH Award**

### **§801. General Provisions**

A. ...

B. Description, History and Purpose. The TOPS-TECH award is a merit based scholarship program for Louisiana residents pursuing skill, occupational training, or technical training at a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree. The purpose of TOPS-TECH is to provide an incentive for qualified Louisiana residents to prepare for and pursue technical positions in Louisiana.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1904 (October 1998), LR 26:

### **§803. Establishing Eligibility**

A.-A.2. ...

3. submit the completed Free Application for Federal Student Aid (FAFSA) or renewal FAFSA by the applicable state aid deadline in accordance with the requirements of section 503; and

4. - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1898 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65, 67 (January 2000), LR 26

### **§805. Maintaining Eligibility**

A. ...

1. have received the TECH Award for less than two years, unless reduced as required by section 503.D; and

2. submit the Renewal FAFSA in accordance with §501.B; and

3.- B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:

## **Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and LASFAC on Behalf of Eligible Non-Louisiana High Schools**

### **§1701. Eligibility of Graduates Based Upon the High School Attended**

A. Graduates of the following high schools are eligible to participate in LASFAC's Scholarship and Grant programs, as authorized herein:

1. Louisiana Public High Schools public high schools listed in the Louisiana School Directory (Louisiana Department of Education Bulletin 1462);

2. Approved Nonpublic High Schools

a. nonpublic high schools approved by the Louisiana Board of Elementary and Secondary Education (BESE) pursuant to R.S. 17:11 and which meet the standards required by BESE for students of the school to be eligible to receive from the state the benefit of appropriations for such items as transportation, textbooks, and administrative cost reimbursement; and

b. nonpublic schools approved by BESE pursuant to R.S. 17:11 prior to May 15, 2000, which have applied for and have had their application forwarded by the Louisiana Department of Education prior to May 15, 2000, seeking the approval necessary for the students in such school to be eligible to receive from the state the benefit of appropriations for such items as transportation, textbooks, and administrative cost reimbursement; and starting the 2003-2004 high school academic year, meet the requirements to be eligible to receive from the state the benefit of such appropriations;

c. the approvals by BESE may be provisional or probational approvals.

3.-B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:849 (May 1999), LR 26:68 (January 2000), LR 26:

**§1703. High School Certification of Student Achievement**

A.-B.1. ...

2. The certification form shall contain, but is not limited to, the following reportable data elements:

a.-b....

c. final cumulative high school grade point average for all courses attempted and recorded on the transcript, converted to a maximum 4.00 scale, if applicable (Note: Beginning with students graduating in 2002-2003, the cumulative high school grade point average will be calculated by using only grades obtained in completing the core curriculum.); and

d. through Academic Year (High School) 2000, number of core units earned and the number of core units unavailable to the student at the school attended. After the Academic Year (High School) 2000, core unit requirements may not be waived.

3. - C.2. ...

D. Certification. The high school headmaster or principal or designee shall certify that:

1.-3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:642 (April 1998), amended LR 24:1921 (October 1998), LR 25:258 (February 1999), LR 26:

**Chapter 19. Eligibility and Responsibilities of Postsecondary Institutions**

**§1901. Eligibility of Postsecondary Institutions to Participate**

A. ...

B. Regionally accredited private colleges and universities which are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU) are authorized to participate in TOPS (for both academic programs and programs for a vocational or technical education certificate or diploma or a non-academic undergraduate degree) and LEAP. As of April 2000, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of the Lake College of Nursing and Allied Health, Our Lady of Holy Cross College, St. Joseph Seminary College, Tulane Medical Center, Tulane University, and Xavier University.

C. Campuses of Louisiana Technical College are authorized to participate in TOPS, TOPS-TECH, and LEAP.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:643 (April 1998), amended LR 24:1912 (October 1998), LR 25:258 (February 1999), LR 26:

**§1903. Responsibilities of Postsecondary Institutions**

A.-A.7. ...

B. Program Billing. Each term, institutions shall bill LASFAC for students who are recipients of a TOPS Award and who have enrolled at the institution in accordance with the following terms and conditions:

1.-7.d. ...

8. Before applying a TOPS award to pay a student's tuition, institutions shall first apply the student's out-of-pocket payments, including student loans, toward tuition charges. In those cases when a student's tuition as defined in 26 U.S.C. 25A is paid from a source other than the TOPS award, the institution shall apply the TOPS award toward payment of expenses other than tuition which are described in the term "cost of attendance" as that term is defined in 20 U.S.C. 1087(II), as amended, for the purpose of qualifying the student or his parent or guardian for the federal income tax credits provided for under 26 U.S.C. 25A.

C.-F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:

**Chapter 21. Miscellaneous Provisions and Exceptions**

**§2107. Funding and Fees**

A.- C.3. ...

D. Insufficient Funds Appropriated

1. ...

2. In the event appropriated funds are insufficient to fully reimburse institutions for awards and stipends for all students determined eligible for the TOPS Opportunity, Performance, Honors and TECH Awards for a given academic year, then the number of eligible students shall be reduced in accordance with the following procedures until such funds are sufficient.

a. Applicants who do not submit financial data on the initial FAFSA or a renewal FAFSA or who do not submit a renewal FAFSA to allow determination of eligibility for federal aid will be the first students eliminated from consideration if insufficient funds are appropriated for the program.

b.-F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:649 (April 1998), amended LR 24:1919 (October 1998), LR 26:

Mark S. Riley  
Assistant Executive Director

0005#032

**DECLARATION OF EMERGENCY**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Tuition Opportunity Program for Students  
(TOPS) Eligibility (LAC 28:IV. 703)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to implement changes to the TOPS rules to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective April 4, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28**

**EDUCATION**

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

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

**§703. Establishing Eligibility**

A. - A.5.a.ii ...

iii. for purposes of satisfying the requirements of §703.A.5.a.i., above, in addition to the courses identified in §703.A.5.a.ii. the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts:

Core Curriculum Course	Equivalent (Substitute) Course
English III	EN 210 Composition/Major Themes in Literature (1 unit)

	any two of the following 1/2 unit courses
English IV	EN 311 Readings in Literature (at least one 311 course is a requirement) EN 311A American Literature EN 311B British Literature EN 302 Studies in the English Language EN 304 Topics in American and British Literature EN 312 Studies in Poetry EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author - Shakespeare EN 422 Studies in a Major Author - Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Algebra II (one unit)	MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (? unit) and 1/2 unit of MA 203 Trigonometry
Physics	PH 110L Conceptual Physics (1 unit), or PH 210L General Physics (1 unit), or PH 250L Advanced Placement Physics (1 unit), or PH 310L Physics with Calculus
Biology II	BI 210L Advanced Placement Biology (1 unit), or BI 231L Microbiology (1/2 unit), and BI 241 Molecular and Cellular Biology (1/2 unit)
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit), and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (? unit) and EH 122 Modern History (? unit)

or

A.5.b. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:004 (January 2000), LR 26:689 (April 2000), LR 26:

Mark S. Riley  
Assistant Executive Director

0005#005

# DECLARATION OF EMERGENCY

## Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students  
(TOPS) Qualified Summer Session  
(LAC 28:IV.301, 509, 701, 703, 705, 805, 1903, 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to amend rules of the Tuition Opportunity Program for Students (TOPS), R.S. 17:3042.1 and R.S. 17:3048.1.

The emergency rules are necessary to implement changes to the TOPS rules to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective May 4, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

### Title 28 EDUCATION

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

##### Chapter 3. Definitions

##### §301. Definitions

\*\*\*

*Academic Year (College)* the two- and four-year college and university academic year begins with the fall term of the award year, includes the winter term, if applicable, and concludes with the completion of the spring term of the award year. The two- and four-year college and university academic year does not include summer sessions nor intersessions.

\*\*\*

*ACT Score* the highest composite score achieved by the student on the official American College Test (including National, International, Military or Special test types) or an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT). ACT or SAT test scores which are unofficial, including so-called "residual" test scores, are not acceptable for purposes of determining program eligibility.

\*\*\*

*Program Year (Non-academic Program)* the schedule of terms during a year leading to a vocational or technical education certificate or diploma or a non-academic undergraduate degree for such programs offered by Eligible Colleges and Universities, beginning with the fall term, including the winter and spring terms, and concluding with the summer term or the equivalent schedule at an institution which operates on units other than terms.

\*\*\*

*Qualified Summer Session* those summer sessions for which the student's institution certifies that:

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

2. the student can complete his program's graduation requirements in the summer session, or

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

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:

#### Chapter 5. Application; Application Deadlines and Proof of Compliance

##### §509. American College Test (ACT) Testing Deadline

A. The student must take the official American College Test (including National, International, Military or Special test types) on or before the official April test date in the Academic Year (High School) in which the student graduates.

B. The student may substitute an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT) taken on or before the official April test date in the Academic Year (High School) in which the student graduates.

C. Final ACT Testing Deadline for Reduced Awards

1. Beginning with awards made for the 2000-2001 academic year and thereafter, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for either the TOPS Opportunity Award or for the TOPS-TECH Award, or if the student has not previously qualified for either the TOPS Opportunity Award or for the TOPS-TECH Award, an applicant's first qualifying score on the American College Test or on the Scholastic Aptitude Test for the TOPS Performance Award or the TOPS Honors Award that is obtained on an authorized testing date after the date of the applicant's high school graduation but prior to July 1 of the year of such graduation will be accepted; however, when granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Subparagraph, the applicant's period of eligibility for the award shall be reduced by one semester, two quarters, or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters or quarters. An applicant will not be allowed to use a test score obtained after high school graduation to upgrade a TOPS Opportunity Award to a TOPS Performance or Honors Award.

2. Students who fail to achieve an ACT or SAT qualifying score by July 1<sup>st</sup> after high school graduation shall not be considered for an award.

D. For 1997 and 1998 high school graduates who have not previously taken an ACT test, the ACT Score shall include those scores obtained from a national ACT test taken not later than the October 1998 national test date.

E. Students who graduated during the 1998-1999 school year who are otherwise qualified for a TOPS award and who obtained a qualifying score on the American College Test or the Scholastic Aptitude Test on an authorized testing date after the date of the student's graduation but prior to July 1, 1999 shall be considered to have met the requirements of §509.A and §509.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:

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

**§701. General Provisions**

A. - D.3....

E. Award Amounts. The specific award amounts for each component of TOPS are as follows:

1. The TOPS Opportunity Award provides an amount equal to undergraduate tuition for full-time attendance at an eligible college or university for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

2. The TOPS Performance Award provides a \$400 annual stipend, prorated by two semesters, three quarters, or equivalent units in each Academic Year (College) or by four terms or equivalent units in each program year (non-academic program), in addition to an amount equal to tuition for full-time attendance at an eligible college or university, for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. The stipend will be paid for each qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

3. The TOPS Honors Award provides an \$800 annual stipend, prorated by two semesters, three quarters, or equivalent units in each Academic Year (College) or by four terms or equivalent units in each Program Year (Non-academic Program), in addition to an amount equal to tuition for full-time attendance at an Eligible College or University, for a period not to exceed eight semesters, including qualified summer sessions, twelve quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1.H, or §503.D or §509.C. The stipend will be paid for each qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

4. ...

5. Students attending a regionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities (LAICU):

a. In an academic program receive an amount equal to the weighted average award amount, as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (college). The stipend will be paid for each qualified summer session, semester, quarter, or equivalent unit for which tuition is paid. Attending a qualified summer session for which tuition is paid will count toward the eight semester limit for TOPS.

b. In a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the average award amount, as defined in §301, plus any applicable stipend, prorated by four terms or equivalent units in each program year (non-academic program). The stipend will be paid for each term or equivalent unit for which tuition is paid.

6. - 9. ...

F. Beginning with the 2000-2001 academic year (college) or program year (non-academic program) and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$200 per qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. - 2. ...

G. Beginning with the 2000-2001 academic year (college) or program year (non-academic program) and continuing for the remainder of their program eligibility, students who meet each of the following requirements shall be awarded a stipend in the amount of \$400 per qualified summer session, semester, quarter, term, or equivalent unit for which tuition is paid which shall be in addition to the amount determined to equal the tuition charged by the public college or university attended or, if applicable, the amount provided for attendance at an eligible nonpublic college or university:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:256 (February 1999) LR 26:67 (January 2000), LR 26:

**§703. Establishing Eligibility**

A. - A.3. ...

4. initially apply and enroll as a First-Time Freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901, and:

a. - f. ...

g. all students must apply for an award by July 1 of the academic year (high school) in which they graduate to establish their initial qualification for an award, except as

provided by §503.D. For a student entitled to defer acceptance of an award under §703.A.4.b. or d. that student must apply by July 1 of the academic year (high school) in which the student graduates, except as provided by section 503.D:

i. and, if enrolling in an academic program, must also apply by July 1 prior to the academic year (college) in which the student intends to first accept the award, and by July 1 of every year of eligibility thereafter, except as provided in §501.B; or

ii. and, if enrolling in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, must also apply by the July 1 immediately after the start of the program year (non-academic program) in which the student intends to first accept the award, and by July 1 of every year of eligibility thereafter, except as provided in §501.B.

A.5.-G.1. ...

2. A student who graduates from high school in less than four years or who enters an eligible college or university early admissions program prior to graduation from high school shall be considered a first-time freshman, as defined in §703, not earlier than the first semester following the academic year (high school) in which the student would have normally graduated had he or she not graduated early or entered an early admissions program. A student who graduates high school in less than four years or enters an early admissions program will remain eligible for a TOPS award until the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student normally would have graduated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:632 (April 1998), amended LR 24:1902 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:67 (January 2000), LR 26:689 (April 2000), LR 26:

### **§705. Maintaining Eligibility**

A. ...

1. have received less than four years or eight semesters of TOPS Award funds, provided that each two terms or equivalent units of enrollment in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree shall be the equivalent of a semester; and

2. - 6. ...

7. Minimum Academic Progress:

a. in an academic program at an eligible college or university, by the end of each academic year (college), earn a total of at least 24 college credit hours as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year (college). These hours shall include remedial course work required by the institution, but shall not include hours earned during qualified summer sessions, summer sessions nor intersessions nor by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure

to earn the required number of hours will result in permanent cancellation of the recipient's eligibility, or

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree at an eligible college or university, maintain steady academic progress as defined in §301 and by the end of the spring term, earn a cumulative college grade point average of at least 2.50 on a 4.00 maximum scale. Unless granted an exception for cause by LASFAC, failure to maintain steady academic progress and to earn a 2.50 at the conclusion of the spring term will result in permanent cancellation of the recipient's eligibility; and

8. ...

9. maintain at an eligible college or university, by the end of the spring semester, quarter, or term, a cumulative college grade point average (GPA) on a 4.00 maximum scale of at least:

a. a 2.30 with the completion of less than 48 credit hours, a 2.50 after the completion of 48 credit hours, for continuing receipt of an opportunity award, if enrolled in an academic program; or

b. a 2.50, for continuing receipt of an opportunity award, if enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; and

c. a 3.00 for continuing receipt of either a performance or honors award; and

10. has not enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree after having received a vocational or technical education certificate or diploma, or a non-academic undergraduate degree;

11. has not received a baccalaureate degree;

12. has not been enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree for more than two years.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:

### **Chapter 8. TOPS-TECH Award**

#### **§805. Maintaining Eligibility**

A. - A.6. ...

7. has not received a vocational or technical education certificate or diploma, or a non-academic undergraduate degree, or a baccalaureate degree; and

8. has maintained steady academic progress as defined in §301; and

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

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998) LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:

**Chapter 19. Eligibility and Responsibilities of Postsecondary Institutions**

**§1903. Responsibilities of Postsecondary Institutions**

A. - F. ...

G. Certification of Qualified Summer Session. The institution's submission of a payment request for tuition for a student's enrollment in a summer session will constitute certification of the student's eligibility for tuition payment for the summer session, the student's acknowledgment and consent that each payment will consume one semester of eligibility, and the student's enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459(August 1999), LR 26:

**Chapter 21. Miscellaneous Provisions and Exceptions**

**§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. Initial Enrollment Requirement. Initially apply and enroll as a first-time freshman as defined in §301, unless granted an exception for cause by LASFAC, in an eligible postsecondary institution defined in §1901. Initial enrollment requirements specific to the TOPS are defined at §703.A.4 and for TOPS-TECH at §803.A.4.

B. ...

C. Less Than Full-time Attendance. The LASFAC will authorize awards under the TOPS opportunity, performance, honors and teachers awards, the TOPS-TECH award, and the T.H. Harris Scholarship Program for less than full-time enrollment provided that the student meets all other eligibility criteria and at least one of the following:

C.1. - E.11.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:649 (April 1998), amended LR 24:1916 (October 1998), LR 26:

Mark Riley  
Assistant Executive Director

0005#021

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Board of Trustees of the State Employees  
Group Benefits Program**

**Penalty for Late Payment of Premiums**

Pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, and in accordance with R.S. 42: 876 regarding collection and deposit of

contributions, the Board of Trustees hereby invokes the Emergency Rule provisions of La R. S. 49:953(B).

The Board finds that it is necessary, in the implementation of its responsibility for collection of premium contributions, to provide for assessment of a late payment penalty to participating employers that fail to remit full payment of premiums by the due date. Failure to adopt this rule on an emergency basis will result in financial impact adversely affecting the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the following Emergency Rule is effective January 1, 2000, and shall remain in effect for a maximum of 120 days or until promulgation of the final Rule, whichever occurs first.

**Collection and Deposit of Contributions**

A. The Board shall be responsible for preparing and transmitting to each participating employer a monthly invoice premium statement delineating the enrolled employees of that agency, the class of coverage, total amount of employer and employees contributions due to the Board, and such other items as are deemed necessary by the Board.

B. It shall be the responsibility of the participating employer to reconcile the monthly invoice premium statement, collect employee contribution by payroll deduction or otherwise, and remit the reconciled monthly invoice premium statement and both the employer and employee contributions to the Board within thirty (30) days after receipt of the monthly premium invoice statement. Payments received by the Board shall be allocated as follows:

- 1. first, to any late payment penalty due by the participating employer;
- 2. second, to any balance due from prior invoices; and
- 3. third, to the amount due under the current invoice.

C. If any participating employer fails to remit, in full, both the employer and employee contributions to the Board within thirty (30) days after receipt of the monthly invoice premium statement, then:

- 1. at the request of the Board, the state treasurer shall withhold from state funds due the participating employer the full amount of the delinquent employer and employee contributions and remit this amount directly to the Board; and
- 2. the participating employer shall pay a penalty equal to one (1%) percent of the total amount due and unpaid, compounded monthly.

D. All employer and employee premium contributions for the payment of premiums for group benefits for state employees provided under the Board's authority shall be deposited directly with the Board. The Board shall pay all monies due for such benefits as they become due and payable.

A. Kip Wall  
Chief Executive Officer

0005#049

## DECLARATION OF EMERGENCY

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

#### Targeted Case Management Services Nurse Home Visits for First Time Mothers

Editor's Note: This Emergency Rule is being reprinted in its entirety to correct the effective date. The original Emergency Rule can be viewed in the April 2000 issue of the Louisiana Register on pages 625-226.

The Department of Health and Hospitals, Bureau of Health Services Financing adopts the following emergency rule under the Administrative Procedure Act, R.S. 49:950 et seq., and it shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule in July of 1999 restructuring targeted case management services under the Medicaid Program in order to enhance the quality of services and assure statewide access to services (*Louisiana Register*, Vol. 25, No.7). The Department now proposes to amend the July 1999 rule to extend the provision of case management services to a new targeted population of Medicaid recipients. The new targeted population shall be composed of first time mothers who reside in the Department of Health and Hospitals (DHH) designated regions of Thibodaux (3), Lafayette (4), Lake Charles (5), and Monroe (8). DHH Administrative Region 3 consists of Assumption, LaFourche, St Charles, St James, St John, St Mary, and Terrebonne Parishes. DHH administrative Region 4 consists of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermillion Parishes. DHH administrative Region 8 consists of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, and West Carroll Parishes. In addition, the staffing qualifications contained in the July 1999 rule are being amended to include specific requirements for case management agencies serving the new targeted population. The standards for participation are also being amended to include a new provider enrollment requirement applicable to all new case management agencies.

This action is necessary to protect the health and welfare of the Medicaid recipients in the targeted population group by providing access to case management services that encourage early prenatal care and reduces infant mortality. It is anticipated that the implementation of this emergency rule will increase expenditures by approximately \$1,141,440 for state fiscal year 1999-2000.

#### Emergency Rule

Effective for dates of services on or after April 21, 1999, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the July 1999 rule governing case management services to include a new targeted population of Medicaid recipients. The new targeted population shall be first time mothers who reside in the Department of Health and Hospitals (DHH) designated administrative regions of Thibodaux (3), Lafayette (4), Lake Charles (5), and Monroe (8). Providers

of Nurse Home Visits for First Time Mothers case management must provide home visit services for eligible recipients in all parishes of the Thibodaux, Lafayette, Lake Charles, and Monroe regions.

#### I. Eligibility Criteria

A Medicaid recipient must not be beyond the 28<sup>th</sup> week of pregnancy and must attest she meets one of the following definitions of a first-time mother in order to receive Nurse Home Visits of case management services:

A. is expecting her first live birth, has never parented a child and plans on parenting this child; or

B. is expecting her first live birth, has never parented a child and is contemplating placing the child for adoption; or

C. has been pregnant, but has not delivered a child because of an abortion or miscarriage; or

D. is expecting her first live birth, but has parented stepchildren or younger siblings; or

E. had previously delivered a child, but her parental rights were legally terminated within the first six months of that child's life; or

F. has delivered a child, but the child died within the first six months of life.

A physician's statement, medical records, legal documents, or birth and death certificates will be required as verification of first-time mother status.

After the birth of the child, the focus of Nurse Home Visit for First-Time Mothers case management is transferred from the mother to the child and services may continue until the child's second birthday. However, recipients may not receive more than one type of Medicaid funded case management at a time. A complete reassessment and a update of the comprehensive plan of care must be completed to incorporate the needs of the child within six weeks of the delivery and 30 days prior to the child's first birthday. If during the reassessment it is determined that the child qualifies for Childnet and Infants and Toddler's case management, the Nurse Home Visit case manager shall transfer the child to the Infant and Toddler Program.

#### II. Staffing Qualifications

Case managers and supervisors providing services to this targeted population must meet the following educational qualifications: possession of a license or temporary permit to practice professional nursing in the State of Louisiana, certification of training in the David Olds Prenatal and Early Childhood Nurses Home Visit Model and the supervisor must have one year of professional nursing experience. A master's degree in nursing or public health may be substituted for the required one year of professional nursing experience for the supervisor.

#### III. Standards for Participation

All new providers interested in enrolling to provide Medicaid case management services must submit a written request to the Division of Home and Community Based Waiver Services (DHCBS) identifying the case management population and the region they wish to serve. A new provider must attend a Provider Enrollment Orientation prior to obtaining a provider enrollment packet. The Bureau will offer orientation sessions at least twice per year. Enrollment packets will only be accepted for service delivery in those DHH regions that currently have open enrollment for case management agencies interested in serving certain targeted populations.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0005#043

## DECLARATION OF EMERGENCY

### Department of Social Services Office of Family Support

#### Wrap-Around Child Care (LAC 67:III.Chapter 52)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, to adopt the following rule to establish the Wrap-Around Child Care Program.

The need for child care services, primarily for school-aged children of low-income working parents, significantly increases in the summer months. At this time, the agency's Child Care Assistance Program is rapidly reaching its capacity and may be unable to meet this additional area of need. In order to assure the care level of a major population of these children, the Office of Family Support, through certain contracted Head Start Program grantees, establishes the Wrap-Around Child Care Program to be funded through Louisiana's Temporary Assistance for Needy Families Block Grant. Otherwise, as many as 8,000 children could go without proper care and be subject to neglect and, in some cases, abuse.

The purpose of the program is to provide working families whose incomes are at or below the federal poverty level with quality, full-time child care during the summer, and before- and after-school care during the school year. This rule, which is effective June 1, 2000, will remain in effect for a period of 120 days or until the final rule takes effect.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Office of Family Support

#### Subpart 12. Child Care Assistance

#### Chapter 52. Wrap-Around Child Care Program

##### §5201. Authority

The Wrap-Around Child Care Program is established effective June 1, 2000 and is administered under the authority of state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

##### §5202. Definitions

*Head of Household* the individual who may apply for Wrap-Around Child Care services for a child who customarily resides more than half the time with him/her, that is, the child's parent or the adult with primary

responsibility for the child's care and financial support if the child's parent is not living in the home or is living in the home but under age 18 and not emancipated by law.

*Household* a group of individuals who live together consisting of the head of household, the spouse of the head of household, and all children under the age of 18, including the minor unmarried parent of any dependent children who need child care assistance (unless the minor unmarried parent has been emancipated by law).

*Employment Mandatory Participant* each household member who is required to be employed a minimum average of 30 hours per week, including the head of household, spouse of head of household, and the minor unmarried parent of a child who needs Wrap-Around Child Care services.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

##### §5203. Conditions of Eligibility

A. A household must meet all of the following eligibility criteria:

1. all children receiving services must reside with their parent or adult head of household;

2. household members may not be receiving assistance from the Family Independence Temporary Assistance Program (FITAP) or the Child Care Assistance Program (CCAP);

3. each parent and/or adult household member must be working a minimum average of 30 hours per week earning at least the federal minimum-hourly wage;

4. each parent and/or adult household member must be working during the hours that child care is needed, that is, child care will only be provided during hours that parents and/or adult household members are actually at work, or commuting to, or from, work;

5. the household must include at least one child with a need for Wrap-Around Child Care services defined as full-day/full-year child care, that is, full-time during the summer, and before-school, after-school and holiday care during the school year, who is:

a. under age 13; or

b. age 13 to under age 18, with a physical, mental, or emotional disability rendering him incapable of caring for himself, as verified by a physician or licensed psychologist;

6. the child needing care must customarily reside more than half of the time with the head of household who is applying for child care services, ensuring that only one household can receive child care service for that child;

7. the head of household or another adult household member must be responsible for the payment of child care costs for a child who lives in the household:

a. a need for child care services does not exist if child care costs will be paid by a third party who is not a household member. However, this will not apply if a third party, not legally obligated to make child care payments, is temporarily doing so until payments begin; and

8. there must be a current need for child care at the time of application.

B. Eligibility is based on:

1. gross earnings from all sources of employment and the profit from self-employment, and

2. any unearned income, such as child support, alimony, retirement and disability benefits, Social Security, SSI, unemployment compensation benefits, or veteran's benefits, that is received by any household member.

C. The household must qualify under the income guidelines set forth in §5205.

D. The child in need of care must be either a citizen or a qualified alien. Program policy on qualified aliens is the same as policy defined in LAC 67:1223.

E. The household must provide the information and verification necessary for determining eligibility and payment amount. Required verification includes:

1. proof of social security numbers for all household members;
2. birth or baptismal certificates for all children in need of care;
3. proof of all countable household income; and
4. proof of the hours of all employment.

F. Eligible cases may be assigned a certification period of up to twelve months.

G. The household is required to report any changes that could affect eligibility or payment amount within five days of knowledge of the change. Failure to report a change that affects eligibility or payment amount may result in action to recover any ineligible payment.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

**§5205. Income Limits**

A. A household must have total countable income no greater than the monthly maximum amount for the appropriate household size as follows:

Household Size	Monthly Maximum	Household Size	Monthly Maximum
		11	\$3037
2	\$ 922	12	\$3272
3	\$1157	13	\$3507
4	\$1392	14	\$3742
5	\$1627	15	\$3977
6	\$1862	16	\$4212
7	\$2097	17	\$4447
8	\$2332	18	\$4682
9	\$2567	19	\$4917
10	\$2802	20	\$5152

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

**§5207. Rights and Responsibilities**

A. The head of the household applying for, or receiving, Wrap-Around Child Care services has the following rights and responsibilities:

1. information provided by the household will not be released without written consent, except to agencies and officials as allowed by law (LAC 67:101-103);
2. the household is entitled to receive timely, written notification of action taken on applications or reported changes in household circumstances;

3. the head of household is responsible for reporting changes in household composition, employment or hours worked, address, earned and unearned income, and/or in the number of days or hours that a child is in care, within five days of knowledge of the change;

4. any applicant or recipient who has been denied services under the program may appeal the denial by filing a written request within ten days of receipt of the written notice of denial. The request must contain a copy of the notice of denial and must state the reason(s) the applicant believes services were wrongfully denied. Notice of denial is deemed received on the seventh calendar day after it is mailed to the applicant or recipient with correct postage paid at the address listed on his most recent application.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

**§5209. Head Start Grantees**

A. The agency will provide services to eligible individuals through contracts with some Head Start Program grantees.

B. The contracted Head Start grantee will establish a child care program that consists of the following:

1. a summer program that runs at least nine but no more than ten weeks;
2. a before- and after-school program that meets the needs of working parents; and
3. a school-year holiday program that meets the needs of working parents.

C. The hours of the summer program shall be at least from 7:30 a.m. to 5:30 p.m.

D. The before-school care program shall begin no later than 7:30 a.m.

E. The after-school care program shall end no sooner than 5:30 p.m.

F. The hours of the school-year holiday program shall be at least from 7:30 a.m. to 5:30 p.m.

G. With prior written approval of the agency, the beginning and ending hours of service may be commenced at an earlier time or ended at a later time.

H. In addition to the week after the end of the Head Start school year and the week prior to commencement of the Head Start school year, the center may be closed on the following days: July 4, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, and Good Friday, and an additional four days designated by the grantee.

I. The center shall provide child care services on all weekdays other than the days specified above.

- J. The center shall maintain child/staff ratios as follows:
1. 4:1 up to age 12 months;
  2. 6:1 from age 12 months to age 24 months;
  3. 8:1 from age 24 months to age 36 months;
  4. 10:1 from age 36 months to age 60 months;
  5. 16:1 from age 5 years to age 12 years;
  6. children with disabilities will have a child/staff ratio sufficient to provide adequate care but under no circumstances shall the child/staff ratio exceed 16:1.

K. Each group/class shall consist of two staff members for the appropriate number of children. In mixed-age groups, the ratio and group size for the youngest child shall be used.

L. Each group/class shall be supervised by one teacher and one aide, or by two teachers. All teachers at each facility

must have at least a CDA (Child Development Associate credential) for the appropriate age of children,

M. The grantee shall ensure that procedures are in place to prevent, identify, and report suspected abuse or neglect of children as required by Children's Code Articles 601-610 and 45 CFR 1301.31.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

**§5211. Payment**

A. In the summer program, the Head Start grantee will be paid a weekly rate of \$85 per week per child for full day service.

B. In the school holiday program, the Head Start grantee will be paid \$2.12 per hour for up to a maximum of eight hours per child for full day services.

C. The Head Start grantee will be paid \$2.12 per hour per child for before- and after-school care during the school year.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:

J. Renea Austin-Duffin  
Secretary

0005#0002

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Community Services**

**Residential Facilities Freezing Reimbursement Rates  
(LAC 67:V.3503)**

The Department of Social Services, Office of Community Services adopts the following emergency rule in the Foster Care Program as authorized by R.S. 46:153. This emergency rule shall be in effect for 120 days effective May 5, 2000.

The Department of Social Services, Office of Community Services previously adopted a rule (*Louisiana Register*, Vol.25, No. 6) which set the rate setting methodology for residential facilities caring for foster children. There are technical difficulties in the administrative component of the rate setting methodology. Implementing the rule would cause a fiscal emergency for many residential providers which would adversely affect their ability to continue caring for foster children in residential placements. The Department previously published an emergency rule (*Louisiana Register*, Vol. 26, No. 1) delaying implementation of the revised rate setting system. The department sets rates in August of each year. An emergency rule is needed to continue the frozen rates issued in August, 1999 until rates are set again in August, 2000. Therefore, the department amends LAC 67:V.3503 to add D, freezing the residential rates issued for the 1999/2000 rate year at the 1998/1999 amount.

The Department of Social Services, Office of Community Services amends LAC 67:V.3503 to add D.

**Title 67**

**SOCIAL SERVICES**

**Part V. Office of Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and Expenditures**

**§3503. Reimbursement Rates for Residential Facilities**

A. - C. ...

D. For rates issued for the 1999/2000 rate year, the Department will freeze the rates at the 1998/1999 amount.

Authority Note: Promulgated in accordance with R.S.15:1084.

Historical Note: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:01 (January 2000), LR 26:582 (March 2000), LR 26:

J. Renea Austin-Duffin  
Secretary

0005#0001

**DECLARATION OF EMERGENCY**

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

**2000 Spring Inshore Shrimp Season**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters, the Wildlife and Fisheries Commission does hereby set the 2000 Spring Inshore Shrimp Season to open as follows:

Zone 1 - that portion of Louisiana's inshore waters from the Mississippi State line to the eastern shore of South Pass of the Mississippi River, to open at 6 a.m., May 22, 2000, except the open waters of Breton and Chandeleur Sounds as described in the menhaden rule (LAC 76:VII.307D) which shall open at 6 a.m., May 15, 2000; and

Zone 2 - that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, as well as that portion of the State's Territorial Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495 from the Atchafalaya River Channel at Eugene Island as delineated by the River Channel buoy line to Freshwater Bayou, all to open at 6 a.m., May 8, 2000; and

Zone 3 - that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 6 a.m., May 8, 2000.

The Commission also hereby grants to the Secretary of the Department of Wildlife and Fisheries the authority to close any portion of the State's inshore waters to protect small

white shrimp if biological and technical data indicates the need to do so, or enforcement problems develop.

Thomas M. Gattle, Jr.  
Chairman

0005#030

## **DECLARATION OF EMERGENCY**

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

#### **2000 Spring Commercial Red Snapper Season Closure**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department, by the Commission in its resolution of December 2, 1999, to close the 2000 spring commercial red snapper season in Louisiana state waters when he is informed that the designated portion of the commercial red snapper quota for the Gulf of Mexico has been filled, or was projected to be filled, the Secretary hereby declares:

Effective 12:00 noon, May 8, 2000, the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12:00 noon, October 1, 2000. Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen while the recreational season is open. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit, which may only be in possession during the open recreational season. The prohibition on sale/purchase of red snapper during the closure does not apply to red snapper that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor provided appropriate records in accordance with R.S. 56:306.5 are properly maintained.

The Secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in Federal waters of the Gulf of Mexico will close at 12:00 noon, May 8, 2000. Closing the season in State waters is necessary to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of this species in the long term.

James H. Jenkins, Jr.  
Secretary

0005#0004