

Rules

RULE

Department of Agriculture and Forestry Horticulture Commission

Sweetpotato Weevil Quarantine (LAC 7:XV.Chapter 1)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences has amended regulations regarding the Sweetpotato Weevil Quarantine regulations.

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, intends to bring the Sweetpotato Weevil Quarantine regulations up to date with current methods and technology in quarantine programs. The changes in the regulations will allow the implementation of a sweetpotato weevil eradication program, requested by industry.

This rule is enabled by R.S. 3:1652 and 3:1732.

Title 7

Agriculture and Animals

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter A. General Plant Quarantine Provisions

§103. Definitions

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*Certificate Permit*Ca written document, stamp, or other form of identification approved by the department, which authorizes the movement, sale or offer for sale or storage of plants, plant products or parts thereof or regulated materials.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:317 (April 1985), amended LR 27:1175 (August 2001).

Subchapter C. Sweetpotato Weevil Quarantine

§133. Applicability of General Quarantine Regulations

A. Sweet potato plants, plant products and parts thereof and host materials for the sweetpotato weevil are subject to all pertinent provisions of the general quarantine regulations contained in Subchapter A and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§135. Definitions Applicable to this Subchapter

A. In addition to definitions found in §103, the following definitions shall also be applicable to this Subchapter.

*Commercial Kiln and Storage Houses*Ca buildings where sweet potatoes produced by different farmers or growers are assembled and stored.

*Compliance Agreement*Ca written agreement between the department and a Sweet Potato Dealer in which the dealer agrees to comply with the General Plant Quarantine Regulations, the provisions of this Subchapter and any conditions specified in the agreement.

*Farm Kiln or Storage House*Ca building or enclosed structure located on a farm in which sweet potatoes grown solely on said farm are stored.

*Non-Sweet Potato Area*Ca any area in which the planting, bedding, growing, or storing of any material which acts as a host for the sweetpotato weevil is prohibited.

*Platform Inspection*Ca visual examination by an inspector of sweet potatoes that have been cleaned and packed or containerized prior to the issuance of a certificate permit.

*Processing Plants*Ca canning, freezing and dehydrating plants.

*Sweet Potato Dealer*Ca person engaged in the growing for sale, offering for sale, moving or brokering of sweet potatoes, except as noted in §147.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§137. Issuance and Use of Certificate Permits, Certificate Permit Tags, and Fumigation Certificates for the Movement of Regulated Material

A. From Sweetpotato Weevil-Free Designations

1. Green certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-free and who meet the following conditions.

a. The person has a valid sweet potato dealer's permit as required by these regulations.

b. The properties or premises of the person where regulated materials are grown or stored, have been trapped or surveyed for sweetpotato weevil during the growing season in a manner approved by the department and have been found by the department to be free from sweetpotato weevil.

2. Certificate permits authorizing the movement of regulated material from sweetpotato weevil-free areas or properties or premises to points within and outside of Louisiana will be issued by the department under the following conditions.

a. The person moving the regulated material has a valid sweet potato dealer's permit as required under these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

3. Green certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such. Green certificate permit tags shall not be reused.

4. Regulated material moving into areas or properties or premises of Louisiana or into a portion of any other state designated as sweetpotato weevil-infested, unless moving under the provisions set forth in §139.D.2.c, shall not be moved back into any Louisiana sweetpotato weevil-free designated area and shall lose its sweetpotato weevil-free status.

B. From Sweetpotato Weevil-infested Designations

1. Pink certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-infested and who possess a valid sweet potato dealer's permit as required under the provisions of these regulations.

2. Certificate permits authorizing the movement of regulated material from or within sweetpotato weevil-infested areas or properties or premises will be issued by the department under the following conditions.

a. The person has a valid sweet potato dealer's permit as required under the provisions of these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

c. The regulated material shall not be moved from a sweetpotato weevil infested designated area into a sweetpotato weevil-free designated area, or to any state which may prohibit entry of such regulated material, unless fumigated under the provisions set forth in §138.

d. If regulated materials are moved, then the regulated materials shall be completely enclosed in the vehicle body or covered tightly by tarpaulins or other means approved by the department in advance of movement.

e. Certificate permits attesting to regulated material fumigation and authorizing the movement of regulated material from areas or properties or premises designated as sweetpotato weevil-infested will be issued when such regulated material is inspected, found apparently free of the sweetpotato weevil and fumigated under the provisions set forth in §138 hereof.

3. Pink certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such tags. Pink certificate permit tags shall not be reused.

C. No regulated material may be moved or shipped within or out of Louisiana unless accompanied by a valid certificate permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), LR 16:600 (July 1990), LR 18:702 (July 1992), LR 27:1175 (August 2001).

§138. Fumigation and Maintenance of Weevil-free Status of Regulated Materials Originating From Designated Sweetpotato Weevil-Infested Areas or Properties or Premises

A. Fumigation Measures. Persons operating storage houses and/or packing sheds who desire to move regulated materials from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material, shall:

1. enlist the services of a certified fumigator to perform the fumigation;

2. possess a valid fumigation certificate issued by a certified fumigator, indicating that the fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation;

3. fumigate with fumigants labeled for use on the regulated material and formulated and used in a manner and at a concentration approved by the department;

B. Maintenance of Weevil-free Status. Regulated materials shall be maintained in such a manner that the integrity of their weevil-free status following fumigation is retained.

1. *Fumigation chamber* Fumigated regulated materials may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing regulated materials. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1,000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1,000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber or tractor-trailer rig is not used then fumigation and storage of regulated materials shall be conducted as follows.

a. Regulated materials shall be placed in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated regulated materials. Storage area must be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of storage.

b. The storage area shall have been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season and the storage area shall not be used to store any non-fumigated regulated materials.

c. Fumigation shall be accomplished by tenting the regulated material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with commercial fumigants.

d. Regulated materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes.

4. Packing House or Shed. Sweet potatoes fumigated, screened and stored according to these regulations may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided:

a. the packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other regulated materials prior to washing and packing of fumigated sweet potatoes;

b. the packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to these regulations.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from sweetpotato weevil infested areas or properties or premises shall be cleaned of all sweet potatoes, parts, and any other regulated materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated regulated materials that were moved from or within designated sweetpotato weevil infested areas or properties or premises must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment.

8. No non-fumigated sweet potatoes shall be stored, loaded or shipped with fumigated sweet potatoes.

C. Issuance of Certificate Permit Tags. Manila certificate permit tags will be issued by the department to persons meeting all sweetpotato weevil quarantine regulation and compliance agreement requirements and who desire to ship regulated materials that have been properly fumigated from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material. Permit tags shall be attached to or within each container in a load or shipment of fumigated sweet potatoes and shall not be reused.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 16:600 (July 1990), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:703 (July 1992), LR 27:1176 (August 2001).

§139. Effect of Quarantine for Sweetpotato Weevil

A. Sweetpotato Weevil-Free Designations of Louisiana

1. The growing or storing of regulated material, including seed beds and field plantings of sweet potatoes is prohibited in areas or properties or premises declared to be non-sweet potato areas, except under special permit issued by the department. Non-sweet potato areas may include but are not limited to sweetpotato weevil-infested properties or premises, as determined by survey or trapping procedures conducted in a manner approved by the department, located in those areas of the state designated by the department as sweetpotato weevil-free.

2. Any regulated material found in non-sweet potato areas shall be disposed of in a manner approved by the department.

3. Regulated materials, properties or premises found to contain sweetpotato weevil may be subject to required treatments, handling restrictions, or destruction as determined by the department.

B. Sweetpotato Weevil-Infested Designations of Louisiana

1. Owners or persons in charge of properties or premises supporting active infestations of sweetpotato weevil within those areas or properties or premises of the state designated as sweetpotato weevil-infested may save their own seed sweet potatoes, provided that:

a. such seed sweet potatoes are graded in a manner sufficient to render them apparently free of the sweetpotato weevil;

b. such seed sweet potatoes are properly treated in a manner approved by the department at the time of storage;

c. no seed sweet potatoes, plants, vines and/or cuttings shall be sold, offered for sale or moved except those which have been inspected by the department and found to be apparently free of the sweetpotato weevil.

2. Regulated materials, properties or premises supporting active infestations of sweetpotato weevil within those areas of the state designated as sweetpotato weevil-infested may be subject to required treatments, handling restrictions, or destruction as determined by the department.

C. Statewide

1. Sweet potatoes in seedbeds shall be destroyed within 15 days after such potatoes have served their purpose, and not later than July 15 of each year. Destruction shall be in such a manner that all sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

2. All sweet potato fields shall be harvested by December 1 of each year by the owner of the crop. Such fields shall be destroyed within 15 days after harvesting, and not later than December 15 of each year. Destruction shall be in such a manner that all remaining sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

3. Sanitary Measures. Persons operating packing sheds, assembly points, processing plants and/or storage houses shall:

a. not permit loose sweet potatoes or parts of sweet potatoes to accumulate in or around any structure in which sweet potatoes are cleaned, packed, processed or stored;

b. render waste sweet potatoes and sweet potato parts unsuitable for or unavailable to the sweetpotato weevil by processing or disposal in a manner approved by the department. If it is necessary to haul host material from the place of accumulation for processing or disposal, such hauling shall be done in an approved tight-body truck or container and covered with a tarpaulin when necessary;

c. not allow sweet potatoes, sweet potato crowns and roots or parts thereof to be carried away from storage houses, processing plants, packing sheds or assembly points in water used in washing sweet potatoes;

d. not permit the sale, offer for sale or movement to any person or farm of culled sweet potatoes or sweet potato parts, except under special permit issued by the department; and

e. not move empty containers or equipment used in the handling of sweet potatoes from packing sheds or processing plants unless cleaned free of all host materials.

D. Regulated Material From Other States

1. Sweet potatoes, sweet potato plants, plant products and parts thereof, host materials, and containers and equipment used in handling sweet potatoes may not enter Louisiana unless accompanied by valid certification from the state of origin.

2. A valid state-of-origin certificate permit tag shall be attached to or placed within each container in a load of sweet potatoes entering Louisiana.

a. Only regulated material certified as grown, stored and inspected in a portion of the state of origin designated as sweetpotato weevil-free, or fumigated in accordance with these regulations, shall enter those areas or properties or premises of Louisiana designated sweetpotato weevil-free unless moving under the provisions of this Section.

b. Regulated material grown, stored or inspected in a portion of the state of origin designated sweetpotato weevil-infested or sweetpotato weevil regulated, and inspected and found apparently free of sweetpotato weevil, shall enter only those areas or properties or premises of Louisiana designated sweetpotato weevil-infested unless moving under the provisions of this Section.

c. Movement of regulated material from sweetpotato weevil-infested or sweetpotato weevil regulated areas or properties or premises through those areas or properties or premises of Louisiana designated sweetpotato weevil-free is prohibited, except when moved by common carrier with a through bill of lading; or, if moved by truck or any other conveyance, said conveyance shall be sealed by the state of origin, shall have no additional regulated material added to the shipment, and shall not be unloaded within designated weevil-free areas or properties or premises of Louisiana.

d. Regulated material originating in areas or properties or premises designated sweetpotato weevil-free that is moved into any area or property or premise designated sweetpotato weevil-infested or sweetpotato weevil regulated, except under the provisions of this Section, shall not be moved back into any designated sweetpotato weevil-free area or property or premise and shall lose its sweetpotato weevil-free status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:704 (July 1992), LR 27:1177 (August 2001).

§141. Handling, Storage and Processing of Sweet Potatoes Within Those Areas or Properties or Premises of the State Designated Sweetpotato Weevil-Infested

A. Sweet Potatoes Treated with Approved Chemicals. There shall be no date limit on the shipment of sweet potatoes from those areas or properties or premises of the state designated sweetpotato weevil-infested, provided:

1. sweet potatoes to be marketed after April 1 following the year of production must be treated before February 28 with a chemical or chemicals labeled for sweet potato use and approved by the department; and

2. sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department as soon as possible after final disposal of a crop of sweet potatoes.

B. Sweet Potatoes Not Treated with Approved Chemicals and/or Heavily Infested with Sweetpotato Weevil. Unprocessed sweet potatoes shall not:

1. be held in processing plants, warehouses or other storage houses on properties or premises supporting active infestations of sweetpotato weevils;

2. be moved in any manner except as provided for in §139.C.3.b;

3. be sold or offered for sale after April 1 following the year of production, except seed sweet potatoes that are apparently free of sweetpotato weevils and have been properly treated as prescribed in this Section.

C. This provision shall apply to all sweet potatoes even though previously inspected and certified for sale and movement.

D. Sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department unless a special permit extending the deadline is issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1178 (August 2001).

§143. Fees

A. A fee of four cents per bushel shall be charged for each bushel of sweet potatoes moved or shipped within or out of Louisiana.

B. The fee charged for sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. A fee of five cents per thousand shall be charged for vines, plants, slips or cuttings moved or shipped within or out of Louisiana.

D. Method of assessing fees and time when fees are to be assessed.

1. Fresh Market

a. Fees will be assessed based on average marketable yield per acre for each acre of sweet potatoes planted. The Louisiana Sweet Potato Advertising and Development Commission will determine the average yield.

b. The total acres planted by each producer will be officially determined through the use of global positioning technology or other, similarly technical means, under departmental oversight. Each producer will be provided a mapped copy of his production fields and the acres of each field.

c. One-half of the total fee assessment shall be paid on or before October 15 of each year and the remaining balance shall be paid on or before December 15 of each year.

2. Processing Plants Cassessed at the time the sweet potatoes are moved into a plant for processing or packed to be shipped as non-processed potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:77 (February 1989), LR 18:705 (July 1992), LR 27:1178 (August 2001).

§145. Penalties for Violation of Sweetpotato Weevil Quarantine

A. Any person violating any portion of the sweetpotato weevil quarantine regulations, or any portion of a signed compliance agreement with the department, may be called to an adjudicatory hearing held in accordance with the Administrative Procedure Act and may be subject to a civil penalty of not more than \$5,000 per each violation per day. Proportionate costs of the hearing may be assessed against the violator. The amount of these costs shall be limited to attorneys' fees as charged to the department for the actual hearing and preparation for the hearing; and actual cost of departmental personnel time in processing violations.

B. A sweet potato dealer's permit may be suspended, revoked or placed on probation if the holder thereof fails to comply with the provisions of these regulations or with the provisions of a signed compliance agreement with the department, subject to a finding in support of such action in a properly conducted adjudicatory hearing.

C. Sweet potato plantings found in a non-sweet potato area may be destroyed at the expense of the person or persons responsible for the plantings.

D. Regulated material found in violation of these regulations or in violation of a signed compliance agreement with the department may be destroyed and/or disposed of in a manner approved by the department at the expense of the person or persons responsible for the regulated material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

§147. Sweet Potato Dealer's Permit

A. All persons, including sweet potato growers and farmers, commercially growing, selling or offering for sale sweet potatoes shall not grow, move, clean, grade, pack or

repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit.

B. Applicants for Sweet Potato Dealer's Certificate Permit shall complete and file the application required by the department, which shall set forth the following conditions:

1. a guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweetpotato weevil infestation or unauthorized sale, offer for sale or movement;

2. an agreement to permit, at the dealer's cost, the disposal or destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweetpotato weevil.

3. a signed agreement to comply with any and all sweet potato quarantine regulations and any conditions specified in the agreement.

C. The provisions of this Section do not apply to retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit and/or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1653, R.S. 3:1655, R.S. 3:1732 and R.S. 3:1735.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

Bob Odom
Commissioner

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RULE

**Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences**

Structural Pest Control
(LAC 7:XXV.119 and 141)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission has amended regulations regarding combination liquid spot and bait and baiting system termite treatments.

The Department of Agriculture and Forestry deems the implementation of these rules and regulations necessary to allow a liquid spot and a bait and baiting system treatment to be contracted with one contract and to set the fee for said contract.

This rule complies with and is enabled by R.S. 3:3203.

Title 7

Agriculture and Animals

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§119. Contracts for Termite Control Work

A. The licensee must enter into a written agreement for termite work with the property owner employing him, which agreement must:

1. be in a form provided or approved by the commission;
2. guarantee performance for a period of not less than one year after the treatment is made;
3. guarantee treatment of the property in accordance with minimum specifications for termite control work set forth in §141 hereof; and
4. provide for at least one inspection of the property prior to expiration of the agreement;
5. each contract must include an inspection diagram.

B. Each contract for termite control work shall cover only one unit or one individual property, provided that the contract may include a garage appurtenant to the unit or individual property.

C. Contracts for spot termite treatments must guarantee the area treated for a period of one year.

D. Contracts for combination liquid spot and bait and baiting system termite treatments shall follow the requirements under §119. A., B., E. and F.

E. The licensee must report to the commission, no later than the tenth day of each month, each contract for termite work which he has entered into and performed during the previous month. If no contracts were entered into or performed during the previous month, the licensee must report this fact to the commission no later than the tenth of each month.

F. The licensee shall pay a \$5 fee for each standard contract and shall pay an \$8 fee for each combination contract for liquid spot and bait and baiting system treatments reported under §119.E. above when the required monthly report is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 27:1179 (August 2001).

§141. Minimum Specifications for Termite Control Work

A. - J.8.f. ...

K. Requirements for Combination Liquid Spot and Baits and Baiting Systems Treatments

1. Any licensee or any person working under the supervision of a licensee, who applies a combination liquid spot and baits and/or baiting systems treatments, shall be certified in the use of the baits and baiting systems, by the manufacturer of the product, prior to any application of the bait or baiting system.

2. Combination of liquid spot and bait and baiting systems treatments shall be used according to label and labeling.

3. All combination liquid spot and baits and baiting systems treatments shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.E. and pay the fee as described in LAC 7:XXV.119.F.

4. Records of contracts, graphs, monitoring (if required), and applications shall be kept according to LAC 7:XXV.117.I. At termination of the contract, the pest control operator shall remove all components of bait and baiting systems.

5. All structures that cannot be treated according to the combination liquid spot and bait and baiting systems

treatment minimum specifications must have a waiver of the listed item or items signed by the owner prior to the baiting treatment. A copy of signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly termite eradication reports.

6. A bait and baiting systems consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

7. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction shall bait following the label and labeling and liquid spot treat to the following minimum specifications:

a. Trench and treat 10 feet on both sides of live subterranean termite infestation site(s) around the perimeter of the structure, adjacent to the foundation wall. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (minimum six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.K.7.a. When the abutting slab is drilled, the holes must be no more than 18 inches apart, unless label requires closer distance along the above stated areas.

c. Treat bath trap(s) as per label and labeling. Bath trap(s) access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing.

i. If the soil in a trap does not reach the bottom of the slab, the trap must be filled to within two inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

ii. A tar filled bath trap must also be drilled and treated as required by label and labeling.

iii. If bath trap is solid concrete pore, it must be drilled and treated as close as practical to the bathtub plumbing.

d. All showers must be drilled and treated as close as practical to shower plumbing according to label and labeling.

e. All other openings (plumbing, etc.) must be treated as required by label and labeling.

8. Combination liquid spot and bait and baiting systems treatments of existing pier-type construction with live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of infestation site(s) on brick/block chain wall(s) and all piers within 10 feet of an infested pier or chain wall. Trench, drill, and treat as required in LAC 7:XXV.141.

9. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction and pier-type construction without live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat as required in LAC 7:XXV.141.K.7.c-e.

10. Whenever any property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator shall treat the property according to the minimum specifications as stated in LAC 7:XXV.141.K.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 27:1180 (August 2001).

Bob Odom
Commissioner

0108#068

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for
School Administrators C
Honors Curriculum
(LAC 28:I.901.A)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). To be consistent with changes in the mathematics graduation requirements for 1997-98 incoming freshmen and thereafter, the Board of Elementary and Secondary Education approved mathematics requirements for the BESE Honors Curriculum. In advertising this policy change, an error was made omitting 1/2 unit of Health Education and listing 2 units of Physical Education. This action is required to correct this error.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
' 901. School Approval Standards and Regulations**

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April, 2000); LR 26:1260 (June, 2000), LR 26:1260-1261 (June, 2000), LR 27:1181 (August 2001).

**High School Graduation Requirements
The State Board of Elementary and
Secondary Education
Honors Curriculum (Standard 2.099.02)**

(Effective for incoming freshmen 1997-98 and thereafter)

English	4 Units
English I, II, III, IV (No substitutions)	
Mathematics	4 Units
Algebra I or Applied Mathematics I and II; Algebra II; Geometry or Applied Geometry; and one Additional unit to be selected from Pre-Calculus, Calculus, Advanced Mathematics I or II	
Natural Science	3 Units
Biology; Chemistry; and Environmental Science, Physics of Physics of Technology	
Social Studies	3 Units
United States History; World History; and World Geography or Western Civilization	
Free Enterprise	1/2 Unit
Civics	1/2 Unit
Fine Arts Survey	1 Unit
Any two units of credit is band, orchestra, choir, dance, art or drama may be substituted for one unit of Fine Arts Survey.	
Foreign Language (In same language)	2 Units
Health Education	1/2 Unit
Physical Education	1 1/2 Units
Electives	4 Units
Total	24 Units

Weegie Peabody
Executive Director

0108#024

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School
Administrators C Pre GED/Skills Option Program
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and

Secondary Education in LR 1:483 (November 1975). The proposed program to be added to Bulletin 741 is the Pre-GED/Skills Option Program. It provides for Pre-GED instruction for part of the day and skills courses or job-related courses for the remainder of the day. The program is intended for those students who are 16, behind in the earning of Carnegie units in order to complete high school in the typical 4-year period, and who have failed a high stakes test, or are participating in out-of-level testing. It is an alternative program outside of the regular curriculum of studies, but the students may continue to earn Carnegie units while in the program and may return to the regular program when they show evidence of ability to graduate with a regular high school diploma. The changes made to the policy as recommended by the SBESE at its February meeting are as follows:

1. that the implementation of the program be a mandate to districts, not a choice. Thus, all Louisiana schools must begin implementation by the fall of the 2001-2002 school year;
2. that full implementation of the Pre-GED/Skills programs may be phased in with full implementation by the fall of the 2002-2003 school year;
3. that the specific number of Carnegie credits required per age of student be identified for student eligibility: not more than 5 credits by age 17, 10 credits by age 18, and 15 credits by age 19;
4. that the schools/businesses that districts are encouraged to work with be changed from "vocational schools" to "postsecondary institutions and youth-serving entities."

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

**' 901. School Approval Standards and Regulations
A. Bulletin 741**

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7(5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27:1181 (August 2001).

**Bulletin 741C Alternative Schools Section
Pre-GED/Skills Option Program**

1.151.05A school system shall implement the Pre-GED/Skills Option Program and shall obtain approval from the State Department of Education at least 60 days prior to the establishment of the program. Program components may be phased in with full implementation required by school year 2002-2003. (See High Stakes Testing Policy in Bulletin 1566.)

A program application describing the Pre-GED/Skills Option Program shall be submitted and shall address the following program requirements:

1. Students shall be 16 years of age or older and meet one or more of the following criteria:
 - *Shall have failed LEAP 21 English language arts and/or math 8th grade test for one or two years;
 - *Shall have failed English language arts, math, science and/or social studies portion of the GEE;
 - *Shall have participated in out-of-level testing or alternate assessment;
 - *Shall have earned not more than 5 Carnegie units by age 17, not more than 10 Carnegie units by age 18, and not more than 15 Carnegie units by age 19.
2. Enrollment is voluntary and requires parent/guardian consent.
3. Counseling is a required component of the program.
4. The program shall have both a Pre-GED/academic component and a Skills/job training component. Traditional Carnegie credit course work may be offered but is not required. Districts are encouraged to work with local, postsecondary institutions, youth-serving entities, and/or businesses in developing the Skills component.
5. BESE will require the Pre-GED/Skills Option Program to be on a separate site. Exceptions will be considered based on space availability, transportation or a unique issue.
6. Students who complete only the Skills section will be given a Certificate of Skills completion.
7. Students will count in the October 1st MFP count.
8. Students will be included in School Accountability. While enrolled, they will be required to take the 9th grade Iowa Test or participate in out-of-level testing. All programs will be considered Option 1 for alternative education purposes, and student data will be sent back to the high schools to be included in the attendance and dropout rates and in the Iowa Test scores. (See Standard 2.006.17 of Bulletin 741.)

Refer to the Guidelines and Application Packet provided by the Louisiana Department of Education for the requirements to establish a Pre-GED/Skills Option Program.

Weegie Peabody
Executive Director

0108#020

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School
Administrators C School Performance Scores
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an

evolving system with different components. These changes more clearly explain and refine existing policy as follows: Clarification in the comparison data used to determine a school's Growth Target.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§901. School Approval Standards and Regulations**

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April, 2000), LR 26:1260 (June, 2000), LR 26:1260-1261 (June, 2000), LR 27:1183 (August 2001).

Bulletin 741C Louisiana Handbook

for School Administrators C The Louisiana School and District Accountability System

2.006.03 School Performance Scores for K-8

A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0-100 and beyond, with a score of 100 indicating a school has reached the 10-Year Goal and a score of 150 indicating a school has reached the 20-Year Goal. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is "0."

For the first accountability cycle, the baseline SPS shall be calculated using CRT and NRT scores from spring 1999 and the prior year's attendance and dropout data. The comparison SPS shall be calculated using CRT and NRT scores from spring 2001 and the prior year's attendance and dropout data. Beginning the second cycle, every year of student data shall be used as part of a school's SPS. Calculations of the SPS shall use the following:

1. an average of the most recent two year's test data; and
2. attendance and dropout rates from the two years prior to the last year of test data used.

For schools entering accountability after 1999, one year's data shall be used for schools formed in mid-cycle years and two years data for other schools. Only spring administration test data shall be used in the School Performance Score.

A baseline School Performance Score shall be calculated in Spring 1999 for Grades K-8.

During the summer of 1999 for K-8 schools, each school shall receive two School Performance Scores as follows:

- A score for regular education students, including gifted, talented, speech or language impaired, and Section 504 students.
- A score including regular education students and students with disabilities eligible to participate in the CRT and/or NRT tests.
- For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

Formula for Calculating an SPS [K-8]			
The SPS for a sample school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10%)] = 67.1			
Indicator	Index Value	Weight	Indicator Score
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
Dropout	N/A	0%	0
			SPS = 67.1
Criterion-Referenced Tests (CRT) Index Calculations [K-8]			
A school's CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.			
Advanced	200 points		
Proficient	150 points		
Basic	100 points		
Approaching Basic	50 points		
Unsatisfactory	0 points		

Formula for Calculating a CRT Index for a School [K-8]

1. Calculate the total number of points by multiplying the number of students at each Performance level times the points for those respective performance levels, for all content areas.
2. Divide by the total number of students eligible to be tested times the number of content area tests.
3. Zero shall be the lowest CRT Index score reported for accountability calculations.

Option I students: those students failing the 8th grade LEAP 21 that have been

- retained on the 8th grade campus
- must retake all parts of the 8th Grade LEAP 21

If, during spring testing, a repeating fourth grade student or Option I 8th grade student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics, English language arts, science or social studies, for which he/she received a score of Unsatisfactory the previous spring; the retaining school shall receive 50 bonus points per subject in its CRT index. A student may earn a maximum of 200 bonus points for his/her school. (No bonus points will be given for passing parts of tests in the summer school of the year he/she first failed in spring testing.)

Transition Years [K-8]

To accommodate the phase-in of the Social Studies and Science components of the CRT tests for Elementary and Secondary Accountability Cycles, the following LEAP Test components shall be used when calculating the School Performance Scores (SPS) for K-8:

Timelines/School Years			LEAP-CRT Index Components							
Cycle	Baseline SPS Data	Growth SPS Data	Grade							
			4				8			
			ELA	Math	Science	Social Studies	ELA	Math	Science	Social Studies
1	1998-1999	2000-2001	✓	✓			✓	✓		
2	1999-2000 & 2000-2001	2001-2002 & 2002-2003	✓	✓	✓	✓	✓	✓	✓	✓
3	2001-2002 & 2002-2003	2003-2004 & 2004-2005	✓	✓	✓	✓	✓	✓	✓	✓

Norm-Referenced Tests (NRT) Index Calculations [K-8]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school's NRT Index score.

NRT Goals and Equivalent Standard Scores

Composite Standard Scores Equivalent to Louisiana's 10- and 20- Year goals, by Grade Level*

Grade					
Goals	Percentile Rank	3	5	6	7
10-Year Goal	55th	187	219	231	243
20-Year Goal	75th	199	236	251	266

NRT Formulas Relating Student Standard Scores to NRT Index [K-8]	
Where the 10-year and 20-year goals are the 55th and 75th percentile ranks respectively and where SS = a student's standard score, then the index for that student is calculated as follows:	
Grade 3:	Index 3rd grade = $(4.167 * SS) - 679.2$ SS = $(\text{Index 3rd grade} + 679.2)/4.167$
Grade 5:	Index 5th grade = $(2.941 * SS) - 544.1$ SS = $(\text{Index 5th grade} + 544.1)/2.941$
Grade 6:	Index 6th grade = $(2.500 * SS) - 477.5$ SS = $(\text{Index 6th grade} + 477.5)/2.500$
Grade 7:	Index 7th grade = $(2.174 * SS) - 428.3$ SS = $(\text{Index 7th grade} + 428.3)/2.174$

Formula for Calculating a School's NRT Index [K-8]	
1.	Calculate the index for each student, using the grade-appropriate formula relating standard score to NRT Index.
2.	Zero shall be the lowest NRT Index score reported for accountability calculations.
3.	Compute the total number of index points in all grades in the school.
4.	Divide the sum of NRT Index points by the total number of students eligible to be tested.

Attendance Index Calculations [K-8]	
An Attendance Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years indexes shall be calculated using the prior two year's average attendance rates as compared to the state goals.	

Attendance Goals		
	10-Year Goal	20-Year Goal
Grades K-8	95%	98%
Attendance Index Formulas		
Grades K-8		
Indicator (ATT K-8) = $(16.667 * ATT) - 1483.4$		
Where ATT is the attendance percentage, using the definition of attendance established by the Louisiana Department of Education		

Lowest Attendance Index Score	
Zero shall be the lowest Attendance Index score reported for accountability calculations.	

Dropout Index Calculations [7-8]	
A Dropout Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two year's average dropout rates as compared to the state goals.	

Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 7 & 8	4%	2%

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

Dropout Index Formulas	
Non-Dropout Rate (NDO) = 100 - Dropout Rate (DO) (expressed as a percentage)	
Grades 7 & 8	Dropout Index (7-8) = Indicator (DO Gr 7-8) = (25 * NDO) - 2300.0 NDO = (Indicator DO Gr 7-8 + 2300.0) /25

Lowest Dropout Index Score
Zero shall be the lowest Dropout Index score reported for accountability calculations.

School Performance Scores for 9-12

A School Performance Score (SPS) shall be calculated for each high school. This score shall range from 0 – 100 and beyond, with a score of 100 indicating that a school has reached the 10-Year Goal and a score of 150 indicating that a school has reached the 20-Year Goal. The lowest score that a

given high school can receive for each individual indicator index and/or for the SPS as a whole is "0."

Every year of student data shall be used as part of a high school's SPS. The school's initial SPS shall be calculated using the most recent year's NRT and CRT test data and the prior year's attendance and dropout rates.

Transition Years [9-12]							
To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced, the following indicators shall be used for each year:							
Timelines/School Years			Indicators Included				
Cycle	Baseline SPS Data	Growth SPS Data	Grade 9 NRT	Grade 10 CRT	Grade 11 CRT	Attendance	Dropout
1	2000-01	2002-03	✓	✓		✓*	✓*
2	2001-02 & 2002-03 (avg.)	2003-04 & 2004-05 (avg.)	✓	✓	✓	✓*	✓*

*Indicates use of prior year data for these indexes.

Transition Years [Combination Schools]	
Combination Schools are schools that contain a 10 th and/or 11 th grade and that also contain a 4 th and/or 8 th grade.	
To accommodate the phase-in of Social Studies and Science components of the CRT tests for Secondary Accountability Cycles, the following LEAP Test components shall be used when calculating the SPS for combination schools.	
Growth SPS Data	CRT Index Components
2001	All CRT (without 11 th grade) (Cycle 1)
2002	All CRT (without 11 th grade) (Cycle 1) All CRT (Cycle 2)
2003	All CRT (without 11 th grade) (Cycle 1) All CRT (Cycle 2)

Formula for Calculating an SPS – Accountability Cycle 1 [9-12]
 During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

$$\text{SPS} = (.60 * \text{Grade 10 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$$

All intermediate results and the final result shall be rounded to the nearest tenth.

The following is an example of how this shall be done:
 $[(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0$

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
SPS			69.0

Formula for Calculating an SPS – Accountability Cycle 2 [9-12]
 During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

$$\text{SPS} = (.30 * \text{Grade 10 CRT Index}) + (.30 * \text{Grade 11 CRT Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$$

In this example,
 $[(.30 * 66.0) + (.30 * 60.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 67.2$

Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	30%	19.8
CRT—Grade 11	60.0	30%	18.0
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
SPS			67.2

Norm-Referenced Tests (NRT) Index Calculations [9-12]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a high school's NRT Index score.

NRT Goals and Equivalent Standard Scores for Grade 9

Goal	Percentile Rank	Grade 9 Composite Standard Score
10-Year Goal	55 th	264
20-Year Goal	75 th	288

NRT Formulas Relating Student Standard Scores to NRT Index [9-12]

Where the 10-Year and 20-Year Goals are the 55th and 75th percentile ranks respectively and where SS = a student's standard score, the index for a grade 9 student is calculated as follows:

$$\text{Index } 9^{\text{th}} \text{ grade} = (2.083 * \text{SS}) - 449.9$$

$$\text{SS} = (\text{Index } 9^{\text{th}} \text{ grade} + 449.9) / 2.083$$

Option II students: those students failing the 8th grade LEAP 21 that have been

- retained and placed on the high school campus
- must take the 9th grade NRT
- must retake only the parts of the 8th grade LEAP 21 they originally failed (English language arts and/or mathematics)

If, during spring testing, a student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring; the high school shall receive 50 bonus points per subject in its accountability index. A student may earn a maximum of 100 bonus points for his/her school.

Criterion-Referenced Tests (CRT) Index Calculations [9-12]	
A high school's CRT Index score at each grade equals the sum of the eligible student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.	
Advanced	200 points
Proficient	150 points
Basic	100 points
Approaching Basic	50 points
Unsatisfactory	0 points

Formula for Calculating the NRT and CRT Adjusted Achievement Index for a High School	
<ol style="list-style-type: none"> Sum the number of points earned by all students. For the NRT, there shall be one score for each student—the NRT Index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade. Divide by the total number of students eligible to be tested times the number of content area tests. This provides the raw achievement index for the grade. Multiply the raw index by the product of the non-dropout rates from the previous year for that grade and all the previous grades. This means that the grade 9 NRT Index shall be multiplied by the grade 9 non-dropout rate, the grade 10 CRT Index shall be multiplied by the grade 9 and grade 10 non-dropout rates, and the grade 11 CRT Index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates. This shall yield the Adjusted Achievement Index. Zero shall be the lowest NRT or CRT Adjusted Achievement Index score reported for accountability calculations. 	
Example 1 – Grade 9:	
<ul style="list-style-type: none"> Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is: $(5/50) = .100$ The number of points earned on the NRT is 5000. The raw achievement index is: $5000/45 = 111.1$ The adjusted achievement index is: $111.1 \times (1 - .100) = 100.0$ 	
Example 2 – Grade 10:	
<ul style="list-style-type: none"> Another 5 students drop before October of grade 10. The grade 10 dropout rate is: $5/45 = .111$ The 40 students remaining in the class earn 10000 points on the two CRT tests. The raw achievement index is: $10000/(40 * 2) = 125.0$ The adjusted achievement index is: $125.0 \times (1 - .100) \times (1 - .111) = 100.0$ 	

Attendance Index Calculations for Grades 9-12		
An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two year' average attendance rates as compared to the state goals.		
Attendance Goals		
	10-Year Goal	20-Year Goal
Grades 9-12	93%	96%
Attendance Index Formula for Grades 9-12		
Where the 10- Year and 20- Year Goals are 93% and 96% average attendance respectively and where ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows: Indicator (ATT 9-12) = (16.667 * ATT) – 1450.0		
Example:		
<ul style="list-style-type: none"> If the average attendance percentage is 94.3%, the Attendance Index would be $(16.667 * 94.3) - 1450.0 = 121.7$ 		
Zero shall be the lowest Attendance Index score reported for accountability calculations.		

Dropout Index Calculations for Grades 9-12 A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the state goals.		
Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 9-12	7%	3%
Dropout Index Formula for Grades 9-12 Dropout Index = 187.5 – (12.5 X dropout rate) Example: <ul style="list-style-type: none"> ▪ If the dropout rate is 4.5%, the Dropout Index would be 187.5 – (12.5 * 4.5) = 131.3 Zero shall be the lowest Dropout Index score reported for accountability calculations.		

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.

Weegie Peabody
Executive Director

0108#023

RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification
of School PersonnelC Certificate Renewal of School
Psychologists (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This rule change updates and clarifies outdated language. It also provides a method during the state mandated five-year renewal period to recognize the newly adopted certification as a Nationally Certified School Psychologist which requires a three-year renewal.

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. Standard Certificate (valid for five years, renewable)

1. Issued on completion of a school psychology training program in Louisiana which meets the requirements of current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists.*

2. Issued to persons who have completed academic preparation in school psychology in another state and whose academic preparation, as evaluated by the Division of Teacher Standards, Assessment, and Certification, is judged to meet the requirements of the current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists.

3. Issued to persons who hold current documentation as a Nationally Certified School Psychologist from the National Association of School Psychologists.

4.a. - 5.b. ...

B. Provisional Certificate (valid for one year; renewable once, unless lapsed)

1. Issued to persons who have completed academic preparation in school psychology that meets the requirements of current Standards for Training and Field Placement Programs in School Psychology, except for the internship. The internship shall be completed during the time of the provisional certificate in accordance with the internship requirements in current Standards for Training and Field Placement Programs in School Psychology.

B.2. - C.1.a. ...

b. six semester hours of additional graduate credit in any of the areas specified in current Standards for Training and Field Placement Programs in School Psychology; or

c. the equivalent number of Continuing Professional Development/Education Units (9.0 CEU or 90 contact hours) currently awarded by the National Association of School Psychologists, the American Psychological Association, or awarded or approved by the State Department of Education; or

d. a combination of graduate credit hours and Continuing Professional Development/Education Units equivalent to six semester hours (each semester hour = 1.5 Continuing Professional Development/Education Units) for a total of 9.0 Continuing Professional Development/Education Units; or

e. upon presentation of continuous certification as a Nationally Certified School Psychologist since the previous certification or renewal date.

C.2. ...

3. Lapsed certificates may be renewed upon verification of the criteria listed under paragraph 1 above. A Provisional Certificate may be awarded for a one-year period during which time the individual must meet the renewal requirements to be awarded the Standard Certificate.

4. A School Psychologist or School Psychological Assistant certified at Levels E, D, or C (if less than two years of experience) according to criteria previously adopted by the State Board of Elementary and Secondary Education shall have continuing approval for the provision of School Psychological services so long as such certification is kept

valid according to the previous renewal criteria. Graduate training taken to meet the renewal requirements for the previous criteria shall be earned in the areas specified in the current Standards for Training and Field Placement Programs in School Psychology.

*These standards are on file in the Division of Teacher Standards, Assessment, and Certification in the State Department of Education.

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 26:459 (March 2000); LR 26:635 (April 2000); LR 26:638 (April 2000), LR 27:1189 (August 2001).

Weegie Peabody
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0108#021

RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Suspension, Revocation, and Reinstatement of Certificates for Criminal Offenses (LAC 28:I.903)

In accordance with R.S. 49:950, et. seq, the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This rule change includes language relative to specific criminal offenses which is consistent with the laws requiring background checks. In addition, the change outlines specific procedures for reinstatement of certificates, the required evidence of rehabilitation, and graduated time lines for convictions rendered at various times in the past.

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

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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); amended LR 26:459 (March 2000); LR 26:635-638 (April 2000); LR 26:638-639 (April 2000), LR 27:1190 (August 2001).

Bulletin 746C Louisiana Standards for State Certification of School PersonnelC Suspension, Revocation, and Reinstatement of Certificates for Criminal Offenses

I. A Louisiana teaching certificate shall be suspended and revoked if the individual holding the certificate has been

convicted of any offense listed in R.S. 15:587.1(C) or any felony offense whatsoever. (See Attachment 1)

II. For the purposes of this policy:

The term "offense" or "crime" shall include those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

The term "teaching certificate" or "certificate" shall include any license, permit, or certificate issued by the Certification and Higher Education section of the Department of Education.

The term "teacher" shall include any person holding any permanent, ancillary, or temporary teaching certificate.

The term "convicted" or "conviction" shall include any proceedings in which the accused pleads guilty or no contest and those proceedings that are tried and result in a judgment of guilty.

The term "Department" refers to the Louisiana Department of Education.

The term "Board" refers to the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

III. Any conviction that results in a suspended sentence pursuant to Articles 893 or 894 of the Louisiana Code of Criminal Procedures, shall be treated as a conviction for the purposes of suspension and/or revocation.

Gubernatorial pardons, first offender pardons, and expungement may be used as evidence of rehabilitation, but shall not preclude suspension and/or revocation of a teaching certificate.

IV. When the Department is notified that any teacher has been convicted of a specific crime:

A. Department staff shall attempt to contact the teacher to inform him/her that the Department has information regarding a criminal conviction and is proceeding under this policy to suspend the certificate.

B. The teacher shall have 10 working days from the date of notification to provide verification that he/she has not been convicted of a criminal offense. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence.

C. If the Department determines that there is evidence that a teacher has been convicted of a criminal offense, that teacher's certificate shall be suspended. The Board, the teacher, and the employing school system shall be notified that the teacher's certificate has been suspended pending official Board action.

D. The teacher shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been suspended and that a hearing will be conducted by the Board to consider revocation. Such hearing will be limited to a determination of the individual's true identity and true conviction status. The teacher shall provide copies of any documents that verify his/her identity and refute the existence of a criminal conviction.

E. If the teacher cannot be reached and/or if his/her employment status cannot be determined, suspension of the certificate shall proceed as will all other steps in the process outlined in this policy.

V. Upon official action by the Board, any teacher whose certificate has been revoked, shall be notified of such action by certified mail. The correspondence shall include instructions for and identification of the date when the

individual may apply to the Board for reinstatement of his/her certificate.

VI. If the conviction upon which a teacher's certificate has been suspended and/or revoked is reversed, vacated, or set aside, such action may be communicated to the Board through documentation from the court in which the conviction occurred. The Board may receive such information and order immediate reinstatement of the teacher's certificate.

VII. Time Restrictions on Applications for Reinstatement:

A. Reinstatement will never be considered for teachers convicted of the following crimes: 14:30, 14:30.1, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:78, 14:79.1, 14:80, 14:81, 14:81.1, 14:81.2, 14:82.1, 14:86, 14:89, 14:89.1, 14:93, 14:93.2.1, and 14:286. (See Attachment 1)

B. For other final convictions rendered zero to three years prior to revocation, reinstatement will not be considered for at least three years from the date of revocation or voluntary forfeiture of the certificate, whichever is earlier.

C. For other final convictions rendered four to six years prior to revocation, reinstatement will not be considered for at least two years from the date of revocation or voluntary forfeiture of the certificate, whichever is earlier.

D. For other final convictions rendered seven to nine years prior to revocation, reinstatement will not be considered for at least 1 year from the date of revocation or voluntary forfeiture of the certificate, whichever is earlier.

E. For other final convictions rendered more than nine years prior, a teacher may apply immediately for reinstatement.

VIII. Procedures for Reinstatement:

A. An individual may apply to the board for reinstatement of his/her teaching certificate after the lapse of time indicated above and under the following conditions:

1. There have been no other arrests or convictions (the applicant must provide a current background check that is clean and clear).

2. There has been successful completion of all conditions/requirements of parole and/or probation (the applicant must provide copies of court records, sentencing recommendations, probation release forms, etc., and written verification that all requirements have been completed and/or met).

3. There is documented evidence of rehabilitation (the applicant is responsible for providing copies of every requested document).

B. The applicant must:

1. contact the office of the Board of Elementary and Secondary Education;

2. provide each item identified above (VIII.A.1 and 2) and below (VIII.C.1, 2, and 3 *required*, VIII.C.4, 5, and 6 *recommended*);

3. request a reinstatement hearing.

C. Evidence of rehabilitation is not limited to, but shall include 1, 2, and 3 (below) and should include 4, 5, and 6 (below).

1. Letter of support from the local district attorney from the jurisdiction in which the conviction occurred.

2. Letter of support from the local judge from the jurisdiction in which the conviction occurred.

3. Letter of support from the applicant's parole/probation officer, local police chief, or local sheriff.

4. Letter of support from a local school superintendent.

5. Letter of support from a local community person (business owner, minister, priest, rabbi, city council person, etc.).

6. Other letters of support or written reports that verify the applicant's rehabilitation.

D. The board is not required to conduct a reinstatement hearing and may summarily deny a request for reinstatement.

E. If the board or its designees decide to conduct a reinstatement hearing, Board staff shall notify the applicant of a date, time, and place when a committee of the Board shall consider the applicant's request. The applicant may be represented/accompanied by legal counsel. In addition to the applicant and his/her legal counsel, a maximum of three witnesses may be called to provide testimony regarding the applicant's rehabilitation. Testimony and information considered will be limited to evidence of rehabilitation. The conviction itself will be given full faith and credit. Testimony will not be allowed as to the circumstances surrounding the conviction. The written documentation provided prior to the hearing will also be considered.

F. The committee of the Board shall make a recommendation to the full Board regarding whether the applicant's teaching certificate should be reinstated, suspended for an additional period of time, or remain revoked. Board staff shall notify the applicant of the Board's action.

IX. The Board of Elementary and Secondary Education reserves the right to accept or reject any document or testimony offered as evidence of rehabilitation.

The Board of Elementary and Secondary Education reserves the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for a teaching certificate.

Attachment 1

The following crimes are reported under R.S.15:587.1:

R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S.14:45, R.S. 14:74, R.S. 14:78, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, R.S. 14:106, R.S. 14:282, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses; those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude. (Federal Criminal Code provisions are in Title 18 of U.S.C.A.)

Specifically:

- * R.S. 14:30 First degree murder
- * R.S. 14:30.1 Second degree murder
- R.S. 14:31 Manslaughter
- * R.S. 14:41 Rape
- * R.S. 14:42 Aggravated rape
- * R.S. 14:42.1 Forcible rape
- * R.S. 14:43 Simple rape
- * R.S. 14:43.1 Sexual battery

- * R.S. 14:43.2 Aggravated sexual battery
- * R.S. 14:43.3 Oral sexual battery
- * R.S. 14:43.4 Aggravated oral sexual battery
- * R.S. 14:43.5 Intentional exposure to the AIDS virus
- * R.S. 14:44 Aggravated kidnapping
- * R.S. 14:44.1 Second degree kidnapping
- * R.S. 14:45 Simple kidnapping
- R.S. 14:74 Criminal neglect of family
- * R.S. 14:78 Incest
- * R.S. 14:79.1 Criminal abandonment
- * R.S. 14:80 Carnal knowledge of a juvenile
- * R.S. 14:81 Indecent behavior with a juvenile
- * R.S. 14:81.1 Pornography involving juveniles
- * R.S. 14:81.2 Molestation of a juvenile
- R.S. 14:82 Prostitution
- * R.S. 14:82.1 Prostitution; persons under seventeen; additional offenses
- R.S. 14:83 Soliciting for prostitutes
- R.S. 14:83.1 Inciting prostitution
- R.S. 14:83.2 Promoting prostitution
- R.S. 14:83.3 Prostitution by massage
- R.S. 14:83.4 Massage; sexual content prohibited
- R.S. 14:84 Pandering
- R.S. 14:85 Letting premises for prostitution
- R.S. 14:85.1 Letting premises for obscenity
- * R.S. 14:86 Enticing persons into prostitution
- * R.S. 14:89 Crime against nature
- * R.S. 14:89.1 Aggravated crime against nature
- R.S. 14:92 Contributing to the delinquency of juveniles
- *R.S. 14:93 Cruelty to juveniles
- *R.S. 14:93.2.1 Child desertion
- R.S. 14:93.3 Cruelty to the infirm
- R.S. 14:106 Obscenity
- R.S. 14:282 Operation of places of prostitution prohibited
- *R.S. 14:286 Sale of minor children
- R.S.40:966(A) Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; Manufacture; distribution
- R.S.40:967(A) Prohibited acts; Schedule II, penalties; Manufacture; distribution
- R.S.40:968(A) Prohibited acts--Schedule III; penalties; Manufacture; distribution
- R.S.40:969(A) Prohibited acts--Schedule IV; penalties; Manufacture; distribution
- R.S.40:970(A) Prohibited acts--Schedule V; penalties; Manufacture; distribution

* Reinstatement will never be considered for crimes marked with an asterisk.

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0108#019

RULE

Board of Elementary and Secondary Education

Compliance Handbook 2200C Guidelines for Personnel Evaluation

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended the Compliance Handbook 2200, *Guidelines for Personnel Evaluation* (Formerly Bulletin 1525), referenced in LAC 28:I.917.A, promulgated by the

Board of Elementary and Secondary Education in LR 5:168 (July 1979). In order for Compliance Handbook 2200, *Guidelines for Personnel Evaluation*, to be in conformity with R.S. 17:3883, 17:3903, 17:3904, and 17:3905 it was revised to eliminate the Department of Education's required monitoring of the local implementation. Monitoring of the local personnel evaluation programs is to occur as deemed necessary and requested by the SBESE.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§917. Personnel Evaluation Standards and Regulations

A. Compliance Handbook 2200 (Formerly Bulletin 1525)

* * *

AUTHORITY NOTE: Mandated by Act 1 of the 1994 Louisiana Legislature, Third Extraordinary Session, and Act 38 of the Extraordinary Session of the 2000 Louisiana Legislature under the authority of R.S. 17:3881-3884, R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 5:168 (July 1979), amended LR 25:251 (February 1999), LR 27:1192 (August 2001).

Chapter 1. An Overview

Preface

The *Guidelines for Personnel Evaluation* handbook is designed to assist local school districts in the development and implementation of effective professional employee evaluation programs. This document reflects local personnel evaluation legislation as well as the State-approved guidelines for its implementation.

This handbook is divided into four major chapters. Chapter One provides a contextual background for local personnel evaluation programs. The *Historical Perspectives* section cites state legislation and State Board of Elementary and Secondary Education policies that govern local personnel evaluation programs. The *Philosophy and Purposes* section provides a rationale for these programs, while the *Implementation* section provides a brief guide to annual action steps to be taken by local districts. The final section of the first chapter, *Framework for Personnel Evaluation Programs*, lists the recommended and required components for local personnel evaluation plans.

Chapter Two, *A Template for Personnel Evaluation Plans*, provides a detailed explanation of the components identified as essential components in the framework for Personnel Evaluation Programs. The template is provided to aid local districts in the development and/or revision of personnel evaluation programs. Chapter Three, *Reporting and Monitoring*, explains the types of reporting, monitoring, and assistance that are required and/or available to local school districts.

The final chapter, *Appendices*, provides primary source materials that guide and support the elements presented in this handbook. The appendices include

- (1) the Panel II Report Toward Strengthening and Standardizing Local School Districts' Teacher Evaluation Programs;
- (2) the Louisiana Components of Effective Teaching,
- (3) the Standards for School Principals in Louisiana 1998;

(4) state legislation governing personnel evaluation programs; and

(5) a personnel evaluation glossary.

Historical Perspective of Personnel Evaluation in Louisiana

As required by R.S. 17:391.5, R.S. 17:24.3 (Act 621 and Act 9) of the 1977 Louisiana Legislature; and R.S. 17:391.10 (Act 605) of 1980, all local educational agencies (LEAs) in Louisiana developed accountability plans to fulfill the requirements as set forth by the laws. Specifically, Act 621 of 1977 established school accountability programs for all certified and other professional personnel. Act 9 of 1977 established a statewide system of evaluation for teachers and principals. Act 605 of 1980 gave the Louisiana Department of Education (LDE) the authority to monitor the LEAs' personnel evaluation programs. In passing these acts, it was the intent of the legislature to establish within each LEA a uniform system for the evaluation of certified and other professional personnel.

Act 506, R.S. 17:391.5, as enacted and amended during the 1992 Regular Session of the Louisiana Legislature, revised and reenacted previous LEA accountability legislation. It included provisions to strengthen and make more uniform the local teacher evaluation practices within the public schools of Louisiana. During the spring of 1992, the State Board of Elementary and Secondary Education (SBESE) authorized the convening of a Local Teacher Evaluation Program Panel (Panel II) to develop guidelines for strengthening and standardizing the teacher evaluation programs employed by school districts across the state. Superintendents, principals, and teachers were represented on this panel. Panel II operated under the assumption that local teacher evaluation programs would be standardized if they were grounded in the same statement of philosophy and purposes, if they used common criteria to evaluate teachers, and if they included uniform procedures and guidelines.

The guidelines to strengthen local teacher evaluation programs including the Louisiana Components of Effective Teaching were entitled "*Toward Strengthening and Standardizing Local School Districts' Teacher Evaluation Programs*" (Appendix A) and were approved by the SBESE in September 1992. These guidelines are integrated into the content of this document. Appendix A, along with the requirements of the local accountability legislation, formed the basis for the local evaluation programs.

The SBESE also authorized the convening of the Louisiana Components of Effective Teaching (LCET) Panel (Panel I) during the spring of 1992. The charge of Panel I was to determine and to define the components of effective teaching for Louisiana's teachers. The components were to reflect what actually takes place in the classroom of an effective teacher. This thirty-five member panel was composed of a majority of teachers. The resulting *Louisiana Components of Effective Teaching* (Appendix B), which is a descriptive framework of effective teacher behavior, is intended to be a uniform element that serves as evaluation criteria in the local teacher evaluation programs.

In 1994, Act I of the Third Extraordinary session of the 1994 Louisiana Legislature was passed. Act I amended and reenacted several statutes related to Local Personnel Evaluation. In April 2000, Act 38 of the Extraordinary

Session of the 2000 Louisiana Legislature was passed. Act 38 amended, enacted, and repealed portions of the legislation regarding the local personnel evaluation process. While local school districts are expected to maintain the elements of the local personnel evaluation programs currently in place and set forth in this document, Act 38 eliminated the LDE's required monitoring of the local implementation. Monitoring of local personnel evaluation programs is to occur as requested by the SBESE.

This document, *Compliance Handbook 2200 (formerly Bulletin 1525)*, reflects the most recent local personnel evaluation legislation as well as the State-approved guidelines for its implementation. The intent of the *Compliance Handbook 2200 (formerly Bulletin 1525)* is to present a framework or template for local school systems to use in the development or review of their personnel evaluation programs. These programs must fulfill the requirements of the enacted legislation, establish a uniform system of evaluation, and denote the philosophy and unique characteristics of the local school system.

Philosophy and Purposes of Personnel Evaluation

It is clear that public schools must provide a high quality education that prepares our youth for the demands of the 21st century. In order to meet these challenges, educators must focus on providing the best educational opportunities for all children. Recognizing this charge, the SBESE has established uniform guidelines for personnel evaluation.

Personnel evaluation is directed toward the continued enhancement of learning through a process of encouraging professional growth for all educators by establishing a system of professional accountability. It is an ongoing, shared process aimed at improving the instruction of and the learning environment for all students.

Supplementing many of the traditional concepts of personnel evaluation, the LDE affirms and supports the belief that evaluation is a humanistic process directed toward the growth and development of all professional personnel who determine the educational programs in the state. This vast human potential will ultimately determine the direction the educational programs will follow. Therefore, it is crucial that every effort possible be expended toward the identification and retention of the most competent and qualified personnel.

The purposes for which personnel evaluation will be used in Louisiana are as follows.

To assure the public that the educational system provides the best opportunities for all children to learn

To assure the public that the most qualified personnel are employed in every position and that effective teaching continues in the classroom

To foster the continuous improvement of teaching and learning by providing opportunities for the professional growth of all educators

To provide support for the professional development of new teachers during their first year of teaching

To provide procedures that are necessary to fulfill the objectives of retaining competent professional employees, to embrace sound educational principles, and to ensure the strengthening of the formal learning environment

To provide procedures for self-evaluation, personal reflection, and peer collaboration

To promote among all school personnel positive interpersonal relationships that will continually increase professional competencies

Implementation of Personnel Evaluation Programs

Activities to include in the annual implementation cycle of Local Personnel Evaluation Programs are presented below.

The LEA's steering committee reviews and refines plans annually for implementing its local personnel evaluation program during the school year.

Local school districts may elect to submit their personnel evaluation plans and/or revisions to the LDE prior to the beginning of the next school year. The LDE receives and reviews, per request, local personnel evaluation plans and/or revisions according to the guidelines presented in *Compliance Handbook 2200 (formerly Bulletin 1525)*.

Each LEA's steering committee implements its refined personnel evaluation program with LEA Board approval and meets annually to monitor its implementation.

Each LEA provides ongoing staff development for teachers and administrators.

Each LEA annually reports the summary results of personnel evaluation to the LDE by July 15.

Framework for LEA Personnel Evaluation Programs

Each local school board has the responsibility of providing a program for the evaluation of certified and other professional personnel employed within the system. Programs should be appropriate and tailored to the particular needs of the school district. Each school board shall have the responsibility to institute programs that address the particular needs of the school district it represents and the guidelines developed by the LDE pursuant to the laws.

Certain requirements relative to the design and development of local personnel evaluation programs have been set forth in an effort to facilitate the construction and implementation process. Organizing and numbering the personnel evaluation program plan in a manner consistent with the proposed format will be helpful to the LEA in determining that all elements of evaluation have been included. A numerical outline will also assist all parties in the review of the plan should such a review be requested or mandated by the SBESE. The remainder of this document presents information relative to the criteria for each of the following sections or elements that should be included in the LEA personnel evaluation program plan.

The list below identifies those sections that are considered essential to an effective personnel evaluation program.

Section 1.0	Focus on Educational Improvement
Section 2.0	Staff Involvement in the Personnel Evaluation Program
Section 3.0	Philosophy and Purposes of Personnel Evaluation
Section 4.0	LEA Personnel Evaluation Glossary
Section 5.0	Impact of Personnel Evaluation
Section 6.0	Evaluation Process Description
Section 6.1	Evaluation Criteria
Section 6.1A	Instructional Personnel
Section 6.1B	Non-Instructional Certified and Other Professional Personnel
Section 6.2	Accountability Relationships Register
Section 6.3	Programs Instruments Register

Section 6.4	Observation Process
Section 6.5	Developing the Professional Growth Plan
Section 6.6	Personnel Self-Evaluation
Section 6.7	The Evaluation Period
Section 6.8	Intensive Assistance Programs
Section 6.9	Induction of New Teachers
Section 6.10	Procedures for Resolving Conflict—Due Process
Section 7.0	Staff Development for Personnel Involved in Evaluation
Section 8.0	Process Instruments
Section 9.0	Job Descriptions
Section 10.0	Employment Requirements
Section 11.0	Evaluation Description
Section 12.0	Statement of Assurance

Chapter 2. A Template for Personnel Evaluation Plans

Chapter Two provides a detailed clarification of the components identified as essential elements in the framework for LEA Personnel Evaluation Programs. The template is provided to aid local districts in the development and/or revision of personnel evaluation programs.

Section 1.0: Focus on Educational Improvement

The first Section of the local personnel evaluation plan should present an overview of the district's philosophy and educational goals. The LEA personnel evaluation program should be well-grounded in the local school district's educational philosophy and goals. A clear message is provided as to how LEA personnel evaluation will be used to facilitate more effectively the attainment of short and long term goals for educational improvement at the district and school building levels. The overview of the district's philosophy should describe not only the LEA's philosophy and educational goals but also their relationship to the LDE's philosophy and purpose of personnel evaluation. The district's philosophy should also include the relationship of the personnel evaluation program to goals for educational improvement at the district and school building level.

Section 2.0: Staff Involvement in the Personnel Evaluation Program

The LEA will form a balanced personnel evaluation steering committee that is representative of administrators, instructional, and support services personnel who are selected by the groups they represent. In Section 2.0 of the LEA personnel evaluation plan, the LEA describes the composition and work of the LEA steering committee. This standing committee is responsible for assessing the strengths and weaknesses of the LEA's personnel evaluation program in light of the guidelines set forth in *Compliance Handbook 2200 (formerly Bulletin 1525)*. The steering committee oversees the planning and implementation of any revisions necessary to strengthen the personnel evaluation process. This committee annually evaluates the extent to which the purposes of the local personnel evaluation program are being achieved, and presents any revision of the plan to the LEA Board for its approval.

Section 3.0: Philosophy and Purposes of Personnel Evaluation

Key elements of Section 3.0 of the LEA personnel evaluation plan include a clear description of the philosophy and the purposes for which personnel evaluation is used in the local school district. The philosophy that is presented should be supported by contemporary research and grounded in the belief that all students can learn, that good teaching increases the opportunities for students' learning, and that a collegial, collaborative relationship between a teacher and evaluator creates the appropriate climate for effective teaching.

One purpose of the LEA personnel evaluation program is to assure the public that the educational system is providing the best opportunities for all children to learn, that the most qualified personnel are employed in every position, and that effective teaching continues in the classroom. Additional purposes to include and describe in Section 3.0 are the improvement of the teaching-learning process, the encouragement of creativity and innovation in planning, and the implementation of teaching strategies. Teaching strategies should foster parental involvement, integrate technology into instruction, develop student assessment practices, and employ school improvement practices that are consistent with contemporary research on effective classroom processes.

All of the purposes of the LEA personnel evaluation program should promote the professional growth and development of staff, as well as the support of new teachers.

Section 4.0: LEA Personnel Evaluation Glossary

When developing Section 4.0 of the LEA personnel evaluation plan, the LEA should include a complete listing of all evaluation terms used in the school district. Definitions of each term should be provided to assist with program consistency and standardization. A minimal list of terms and definitions to include in the LEA Personnel Evaluation Glossary is provided in Appendix E of this document. The LEA may include other terms and definitions as necessary.

Section 5.0: Impact of Personnel Evaluation

Section 5.0 of the LEA personnel evaluation plan contains a description of the methods the LEA will use to document the impact of the LEA personnel evaluation process on improving teaching and learning at the school building and district levels. This section includes a plan for annually documenting, celebrating, and sharing the accomplishments of certified and other professional personnel with the school community. The impact of personnel evaluation on the teaching and learning process at the school building and district level may be documented through the inclusion of newsletters, brochures, newspaper articles, and meeting agendas.

Section 6.0: Evaluation of Process Description

Section 6.0 contains a description of the LEA's evaluation process. The various procedures involved in the evaluation of personnel must reflect the guidelines presented within this Section. All procedures should be written clearly so that all evaluation procedures are readily discernible to all of the individuals involved.

It is important to note that Section 6.0 of *Compliance Handbook 2200 (formerly Bulletin 1525)* incorporates the work of Panel II (Appendix A) as it applies to classroom teachers. The evaluation process for principals must comply

with the *Standards for School Principals in Louisiana, 1998* (Appendix C). Furthermore, the LEA's description of the evaluation process should integrate and apply the content that is applicable and appropriate for all certified and other professional personnel. The guidelines to use in developing the description of the evaluation process for all certified and professional personnel follow.

The evaluator's assessment of performance shall be based on the criteria specified in the written job description, including the *Louisiana Components of Effective Teaching* for instructional personnel and the *Standards for School Principals in Louisiana* for building-level administrators.

The evaluator's assessment of the progress the evaluatee has made toward achieving those objectives included in the professional growth plan that was developed collaboratively with the evaluator shall be documented.

The evaluatee's self-evaluation, as well as progress toward achieving those objectives included in his/her professional growth plan shall be included in evaluation.

Section 6.1: Evaluation Criteria

In Section 6.1 the IEA defines the criteria used in the evaluation of all certified and other professional personnel. Evaluation criteria for all certified and other professional personnel must be defined clearly in writing in the job description. When designing evaluation instruments, the LEA must include a description of the standards for satisfactory performance for all personnel.

Section 6.1 A: Evaluation of Instructional Personnel

Section 6.1A outlines the evaluation criteria that the LEA will use when evaluating instructional personnel. It is important that instructional personnel know that they are evaluated on the basis of the criteria defined in their respective job descriptions including the *Louisiana Components of Effective Teaching* (Appendix B) and any other appropriate criteria identified by the local school district. The *Louisiana Components of Effective Teaching* is a broad, general description of good teaching. Because teacher evaluation results in an in-depth analysis of teaching, it is usually not advisable to use only a rating scale or checklist to rate a successful, experienced teacher on all the criteria in the job description. Instead, these criteria should be used as a frame of reference for a descriptive review and analysis of teaching that focuses the evaluation process on strengthening and/or enhancing a few critical aspects of teaching. The evaluation criteria must conform to the following guidelines.

The evaluation criteria for all instructional personnel shall be stated clearly in writing in the job description.

The *Louisiana Components of Effective Teaching* shall be included in the job descriptions of instructional personnel.

The evaluation criteria shall provide a frame of reference for a descriptive review and analysis of teaching rather than only a rating scale or checklist of teaching effectiveness.

Section 6.1 B: Evaluation of Non-Instructional Certified and Other Professional Personnel

In this Section, the plan describes the design of appropriate instrumentation that is used in the evaluation of non-instructional certified and other professional personnel. The design of the instrument(s) must provide for the evaluation of standard criteria (the job description for which non-instructional personnel are held responsible) and the specific Professional Growth Plan designed by the evaluatee

and the evaluator. The design of the instrument(s) must conform to the guidelines listed below.

The criteria included in the job description shall be evaluated; a description of the standards for satisfactory performance shall be indicated.

The evaluation criteria for all building-level administrators shall include the *Standards for School Principals in Louisiana* (Appendix C).

The criteria for the evaluation of Professional Growth Plans shall be specified.

Section 6.2: Accountability Relationships Register

Section 6.2. of the LEA personnel evaluation program plan contains an Accountability Relationships Register. The register clearly defines the LEA's accountability relationships for all certified and other professional personnel. It is important that the LEA describe the process by which all accountability relationships are communicated annually so that all certified and other personnel know who is accountable to whom for the purposes of personnel evaluation. An example of an Accountability Relationships Register follows.

Accountability Relationships Register

Evaluatee	Evaluator
Classroom Teachers	Principals
Principals	Supervisors
Supervisors	Superintendent
Note: The Register must contain a list of all categories of evaluatees in the school district. Titles of evaluatees should match those presented on the job descriptions.	Note: The Register must contain a list of the evaluators for each evaluatee in the district. Titles of evaluators should match those presented on the job descriptions.

Section 6.3: Program Instruments Register

Section 6.3 of the LEA personnel evaluation program plan contains a register or listing of all evaluation program instruments. A numerical coding system may be used to identify all of the various evaluation forms. It is extremely helpful to standardize the location and size of the coding that is selected. A sample of a Program Instruments Register is provided below.

Program Instruments Register

Instruments	Codes
Professional Growth Plan Form(s)	PGP 1
Personnel Observation Form(s)	POF 1
Personnel Evaluation Form(s)	PEF 1
Self-Evaluation Form(s)	SEF 1
Intensive Assistance Form(s)	IAF 1

Section 6.4: Observation Process

The observation procedures for all certified and other professional personnel employed in the district are included in Section 6.4. A detailed narrative of the procedures to be employed is to be included in this subsection. Guidelines that must be addressed and incorporated in the LEA observation procedures are listed below.

The LEA must specify who will conduct the observation(s). The evaluator must conduct at least one of the required number of observation(s).

The LEA must specify how often observations will occur. A minimum of one observation every year for personnel with 0-3 years experience, and one observation every 3 years for personnel with 4+ years experience is required. (Teachers

participating in the Louisiana Teacher Assistance and Assessment Program may substitute elements of evaluation according to the LEA plan.)

The evaluator of each teacher or administrator shall conduct a preobservation conference during which the teacher or administrator shall provide the evaluator with relevant information.

The LEA must notify the evaluatee in advance when observation(s) will occur. All types of observations used must be defined in the LEA's plan.

The LEA must specify how the post-observation conference will be conducted.

The LEA must specify how copies of the completed observation forms will be disseminated and filed.

The LEA must specify how intensive assistance, if necessary, will be initiated following the observation procedures.

Instructional Personnel

In addition to the guidelines listed above, the following observation procedures are required for instructional personnel. Classroom observation is a critical aspect of the teacher evaluation process. Guidelines that must be considered and included in the LEA plan when evaluators conduct classroom observations follow.

Periodic classroom observations shall be used to evaluate teaching.

A pre-observation conference shall be held to review the teacher's lesson plan; the review may include information about the use of technology, student assessment practices, and school improvement efforts.

Observations shall be of sufficient duration to see the lesson begin, develop, and culminate.

A post-observation conference shall be held to discuss and analyze the lesson as well as to prepare an observation report.

The primary purpose of the classroom observation shall not be to rate the teacher, but rather, to reach consensus on not only commendations, but also recommendations to strengthen or enhance teaching.

Follow-up observations shall be conducted to reinforce positive practice and to determine how recommendations have impacted the quality of the teaching-learning process.

Classroom visits may be conducted to monitor progress toward achievement of professional growth plan objectives and to provide support or assistance.

Section 6.5: Developing the Professional Growth Plan

The process that is used to develop and evaluate the Professional Growth Plan (PGP) is specified in Section 6.5. Periodic evaluation conferences are conducted to discuss and analyze job performance for the purpose of developing longer term PGPs to strengthen or enhance the job performance of all certified and other professional personnel. These PGPs must be developed at the beginning of the evaluation period and be based on a descriptive analysis of job performance rather than on only the results of a checklist or a rating scale. Appropriate timelines must be determined in regard to these procedures. Usually such plans include two to three objectives developed collaboratively by the evaluatee and evaluator. These plans must be reviewed and updated annually. For successful, experienced personnel, these objectives may extend beyond the professional responsibilities included in the job description and may be used to explore new, untried, innovative ideas or projects.

Each objective includes a plan of action to guide the evaluatee's progress, as well as observable evaluation criteria that the evaluatee and evaluator can use to determine the extent to which each objective has been achieved. The evaluation criteria should show clearly how achievement of the objective will impact the quality of the job performance.

The LEA process for developing and reviewing professional growth plans must conform to the guidelines listed below.

All longer term (one, two, or three year) PGPs must be reviewed and updated annually.

The PGP shall be developed at the beginning of the evaluation period. Appropriate timelines must be determined in regard to these procedures and such timelines must be given in the narrative of this subsection. The LEA must develop forms for the PGP.

PGPs shall be based on objectives developed collaboratively by the evaluatee and evaluator. These plans must be reviewed and updated annually. (Note: Successful teachers or other professional personnel shall not be mandated to participate in any one specific growth activity.)

A plan of action and evaluation criteria shall be specified for each objective. During the annual review, documentation must be presented to support completion of the professional growth plan activities.

For successful, experienced personnel, objectives shall be used to explore new, untried, innovative ideas or projects.

The evaluator(s) and evaluatee(s) must sign and date each completed PGP form after it has been developed and again after it has been reviewed. All forms must be signed and dated prior to dissemination and filing.

It is recommended that the evaluator and the evaluatee maintain a copy of all completed forms. A copy of the PGP must be filed in the single official file at the central office.

Section 6.6: Personnel Self-Evaluation

In this section, the LEA delineates its personnel self-evaluation process. The LEA must encourage all certified and other professional personnel to assume significant responsibility for the evaluation of their performances. Ample opportunities should be provided throughout the personnel evaluation process for personal reflection, self-evaluation, and peer collaboration. The products of such efforts are shared in self-evaluation reports that certified and other professional personnel submit as part of the personnel evaluation process. Training should be provided for all certified and other professional personnel in techniques for reflection and self-evaluation. For instructional personnel, additional staff development opportunities should be provided for those teachers who wish to work as peer coaches or in other peer support and assistance roles (i.e., mentors, peer support persons in intensive assistance programs for experienced teachers). Participation in such peer support roles is voluntary. Teachers serving as peer coaches or providing other peer support and assistance are not evaluators as defined in these guidelines.

In developing Section 6.6, the LEA plan for self-evaluation must address the following components.

A plan for ensuring that certified and other professional personnel are provided opportunities throughout the evaluation process for personal reflection, self-evaluation, and peer collaboration should be included.

Self-evaluation must be included as part of the overall annual evaluation process for all certified and professional personnel.

The plan should specify how the self-evaluation will be documented and how copies will be disseminated and filed. Documentation that self-evaluations have been completed should be placed in the evaluatee's single official file.

Section 6.7: The Evaluation Period

The evaluation of staff may vary depending on their experience and proficiency. The evaluation process for new teachers tends to focus on strengthening proficiency in the classroom, while the evaluation process for successful, experienced certified and other professional personnel tends to focus on professional growth and school improvement. New teachers and those new to the school district or new to a position will be evaluated each year through observations for the first three years in that position. (See Section 11.0, Evaluation Exemption Provisions.) More experienced certified and other professional personnel will be evaluated on the basis of observations at least once every three years. Successful, experienced certified and other professional personnel may be evaluated on a multi-year cycle that encourages staff to pursue longer-term professional growth and school improvement initiatives. An evaluation cycle may be implemented as follows.

Year One

Certified and other professional personnel are evaluated formally based on observations of the criteria listed on job descriptions, professional growth plans, and self-evaluations.

Year Two - Three

Certified and other professional personnel are evaluated on the basis of progress toward those objectives in their professional growth plan and self-evaluations. It is imperative that all certified and other professional personnel clearly understand the procedures and timelines that will be used to evaluate their performances.

The LEA must incorporate the guidelines listed below in the description of its evaluation process and time period.

The process must specify the number of evaluators per evaluatee.

The process must include how the evaluatee will be informed of the criteria of expected performance.

Provision for the annual written evaluation of all certified and other professional personnel must be included in the process.

The evaluation process should be tailored to the levels of experience and proficiency of the certified and other professional personnel.

Successful, certified and other professional personnel who are evaluated on a multi-year cycle should be encouraged to pursue more meaningful, longer-term professional growth and school improvement initiatives.

The plan must specify the procedures to be used in conducting post-evaluation conferences.

The plan must include a process for the dissemination and filing of completed evaluation forms. One copy shall be maintained in the evaluatee's single official file at the central office.

The LDE recommends that personnel who are determined, through the evaluation process, to be in need of intensive assistance and/or reinforcement, be evaluated until such performance(s) is/are corrected or dismissal is

recommended. Procedural due process is mandatory in the personnel evaluation programs, and a breach in this matter will be considered serious.

Section 6.8: Intensive Assistance Programs

This program must be designed for use by all evaluators when it becomes necessary to prepare an Intensive Assistance Program for an evaluatee who has been determined to be in need of certain assistance. (*The Intensive Assistance Program does not apply to teachers in the Louisiana Teacher Assistance and Assessment Program.*)

If it is determined through the evaluation process that an evaluatee does not satisfactorily meet the local school district's standards of performance, then that evaluatee is placed in an intensive assistance program. When the evaluatee is placed in such a program, he/she is informed in writing of the reason(s) for the placement. Then an intensive assistance plan is developed with the evaluatee. This plan specifies (a) what the evaluatee must do to strengthen his/her performance, what objective(s) must be accomplished, and what level(s) of performance is/are expected; (b) what assistance/support shall be provided by the school district; (c) a timeline (not to exceed two years) for achieving the objectives and the procedures for monitoring the evaluatee's progress including observations and conferences; and (d) the action that will be taken if improvement is not demonstrated. Evaluatees must continue to be evaluated until the need for intensive assistance no longer exists.

LEA's must delineate the procedures to be followed if the evaluatee fails to improve within the timelines of the intensive assistance program. R.S. 17:3902 mandates that, if an evaluatee completes the intensive assistance program and still performs unsatisfactorily on a formal evaluation, the local board shall initiate termination proceedings within six months following such unsatisfactory performance.

In this section of the LEA evaluation program description, the LEA delineates its process for intensive assistance. The LEA intensive assistance process must conform to the following guidelines.

An intensive assistance program shall be provided for evaluatees who do not meet the local school district's standards of satisfactory performance.

Any evaluatee placed in an intensive assistance program shall be informed in writing of the reason(s) for this placement.

An intensive assistance plan shall be developed for any evaluatee placed in such a program.

The local school district shall document the professional development support that is necessary to enable the certified and other professional personnel to meet the objectives of his/her plan.

The local school district shall take appropriate action in accordance with legislative, SBESE, and local school board mandates if satisfactory improvement is not demonstrated.

The intensive assistance plan must be developed collaboratively by the evaluator and the evaluatee and must contain specific information.

a. What the evaluatee needs to do to strengthen his/her performance including a statement of the objective(s) to be accomplished and the expected level(s) of performance

b. An explanation of the assistance/support/resource to be provided by the school district

c. The evaluatee's and evaluator(s)' names and position titles

d. A space for indicating the date that the assistance program shall begin

e. The date when the assistance program shall be completed

f. The evaluator's and evaluatee's signatures and date lines (Signatures and dates must be affixed at the time the assistance is prescribed and again after follow-up comments are completed.)

g. The timeline for achieving the objective and procedures for monitoring the evaluatee's progress (not to exceed two years)

h. An explanation of the provisions for multiple opportunities for the evaluatee to improve (The intensive assistance programs must be designed in such a manner as to provide the evaluatees with more than one opportunity to improve.)

i. The action that will be taken if improvement is not demonstrated

The intensive assistance form must be designed in a manner that would provide for the designation of the level of assistance and a description of performance.

Completed intensive assistance plans and all supporting documents—such as observations, correspondence, and any other information pertinent to the intensive assistance process—must be filed in the evaluatee's single official file at the central office.

Section 6.9: Induction of New Teachers

In this section, the LEA describes its process for coordinating the induction of new teachers into the school system. Mentor support should be provided through the Louisiana Teacher Assistance and Assessment Program for the induction and professional growth of new teachers. A concerted effort should be made to insure that new teachers are socialized in a professional manner and that they experience success in the classroom. Assistance made available through the LEA personnel evaluation is coordinated with the State's assistance and assessment program designed for any new teacher with a provisional or temporary teaching certificate.

The LEA's induction process must consider that mentor support is provided for the induction of new teachers, that the *Louisiana Components of Effective Teaching* is a focus for the evaluation of new teachers, and that all assistance made available through the LEA personnel evaluation process is coordinated with the State's assistance and assessment program for new teachers.

Section 6.10: Procedures for Resolving

Conflict - Due Process

This section of the LEA personnel evaluation program must include the procedures for resolving disagreement or conflict in a fair, efficient, effective, and professional manner. All due process mandates in R.S. 17:3883(7), R.S. 17:3884, and R.S. 17:3902 must be included in the evaluation process.

The LEA must address the following components of due process.

The evaluator shall provide the evaluatee with a copy of the evaluation results within 15 working days after the completion of the evaluation. (The LDE strongly recommends that this same procedure be employed with regard to observation reports.)

A post-evaluation conference must be held following the evaluation and prior to the end of the school year in order that the results of the evaluation can be discussed. (This discussion should concern the strengths and weaknesses of the evaluatee.)

The evaluation program shall include procedures for resolving conflict in a fair, efficient, effective, and professional manner.

The evaluatee may file his/her own written response to the evaluation. (A self-evaluation form may not serve as an evaluatee's written response.)

The evaluatee may file a written response to the evaluation that will become a permanent attachment to the evaluatee's single official personnel file. The response may be a signed statement clarifying or rebutting the issue in question. (The LDE recommends that a timeline for the written response be given.)

When evaluatees are not performing satisfactorily, they must be informed in writing.

The evaluatee has the right to receive proof, by documentation, of any item contained in the evaluation that the evaluatee believes to be inaccurate, invalid, or misrepresented. If documentation does not exist, the item in question must be amended or removed from the evaluation.

The evaluatee must be provided with ample assistance to improve performance.

The evaluatee may request that an evaluation be conducted by another source. (The LDE recommends that the LEA name the source from which another evaluator may be selected.)

The confidentiality of evaluation results must be maintained as prescribed by law. (The LDE strongly recommends that copies of all evaluation documents be maintained in the files of both the evaluator and evaluatee; however, these documents must be maintained in the evaluatee's single official file.) The school board in each school district must take official action in regard to naming the individuals who shall be authorized to enter the official personnel files. The positions of these individuals must be included.

Personnel evaluation grievance procedures must be established to follow the proper lines of authority.

Section 7.0: Staff Development for Personnel Involved in Evaluation

In this section of the LEA personnel evaluation program description, the LEA delineates its plan for staff development. The school district provides training on a continuing basis for all staff involved in the evaluation process (i.e., district level administrators and supervisors, principals and assistant principals, and classroom teachers). District staff development training is supported by the LDE. When developing the LEA staff development plan, it is recommended that the training concentrate on fostering the elements listed below.

A positive, constructive attitude toward teacher evaluation

A knowledge of State laws and LEA policies governing the teacher evaluation process and associated due process procedures

An understanding of the Louisiana Components of Effective Teaching

An understanding of the Standards for School Principals in Louisiana

An understanding of the LEA's personnel evaluation program, including the philosophy and purposes, criteria, and procedures

The LEA's plan may include a description of additional training of evaluators. Evaluator training should focus on developing the skills needed to diagnose, strengthen, and/or enhance teaching effectively. It is recommended that the following skill areas be included in the plan and description of the LEA training for evaluators.

Data collection skills necessary to document a teacher's performance accurately

Data analysis skills necessary to make accurate judgments about a teacher's performance

Conferencing skills necessary to provide clear, constructive feedback regarding a teacher's performance

Skills in developing and facilitating meaningful professional growth plans that strengthen or enhance teaching effectiveness

Skills in writing effective evaluation reports that document how evaluation has impacted the quality of the teaching-learning process in the classroom

Section 8.0: Process Instruments

This Section contains a copy of each instrument that is currently used in the LEA's evaluation process. (Note: Included instruments should be listed in the Program Instrument Register in Section 6.3.) Suggestions that should be included in the development of the required evaluation instruments are included in the chart on the following page.

Instrument	Description
<i>Professional Growth Plan Form</i>	<ul style="list-style-type: none"> Developed for all certified and other professional personnel Includes space for objectives, as well as a plan of action and evaluation criteria for each objective Includes signature and date lines to document the initiation/ development of the plan and the annual review/update <p>Note: Multi-year PGP forms must include space for the annual review dates and signature.</p>
<i>Observation Form</i>	<ul style="list-style-type: none"> Developed to complement the evaluation form <p>Note: For instructional personnel, it is not acceptable to use only a rating scale or checklist to rate a successful, experienced teacher on all of the criteria included in the job description.</p>
<i>Evaluation Form</i>	<ul style="list-style-type: none"> Designed for use in the evaluation process <p>Note: A checklist or rating scale is not acceptable for the evaluation of instructional personnel; rather, space must be provided for a narrative description of the evaluator's commendations and recommendations for the evaluatee.</p>
<i>Self-Evaluation Form</i>	Developed for all personnel to use in assessing their own performances
<i>Intensive Assistance Form</i>	<ul style="list-style-type: none"> Developed for use in the evaluation process Provides space for evaluators to delineate what the evaluatee needs to do to strengthen his/her performance Describes the assistance/support provided by the school district Specifies the timelines and procedures for evaluating the evaluatee's progress

Section 9.0: Job Descriptions

The LEA Personnel Evaluation Plan must contain a copy of the job descriptions currently in use in the LEA. The local board shall establish a job description for every category of teacher and administrator pursuant to its evaluation plan. The LEA must also provide copies of job descriptions to all certified and professional personnel prior to employment.

The chart that follows identifies a minimum listing of the categories and titles of personnel for which job descriptions must be developed.

Personnel Category	Position or Title
<i>Administration</i>	<ol style="list-style-type: none"> 1. Superintendent 2. Assistant Superintendent 3. Director 4. Supervisor 5. Coordinator 6. Principal 7. Assistant Principal 8. Any employee whose position does not require certification but does require a minimal education attainment of a bachelor's degree from an accredited institution of higher learning 9. Any employee whose position requires certification, but whose title is not given in this list <p>Any employee who holds a major management position, but who is not required to have a college degree or certification</p>
<i>Instructional Personnel</i>	<ol style="list-style-type: none"> 1. Teachers of Regular and Special Education students Special Projects Teachers
<i>Support Services</i>	<ol style="list-style-type: none"> 1. Guidance Counselors 2. Librarians 3. Therapists 4. Any employee whose position does not require certification but does require a minimal educational attainment of a bachelor's degree from an accredited institution of higher learning 5. Any employee whose position requires certification, but whose title is not given in this list. 6. Any employee who holds a major management position, but who is not required to have a college degree or certification

The local board has the responsibility of developing job descriptions for the various positions in the LEA in accordance with its evaluation program. The following components must be included in each job description developed by the LEA.

Position Title

Position Qualifications must be at least the minimum requirements as stated in *LDE Bulletin 746: Louisiana Standards for State Certification of School Personnel*. The qualifications must be established for the position, rather than for the evaluatee.

Title of the person to whom the evaluatee reports

Title of the person whom the evaluator supervises

Performance responsibilities of the evaluatee (Refer to * below.)

A space for the evaluatee's signature and date (Note: Job descriptions must be reviewed annually. Current signatures must be on file at the central office in the single official file to document the annual review and/or receipt of job descriptions.)

All certified and other personnel shall be provided with their job descriptions prior to the beginning of their employment in the school system in their position and each time their job description is revised.

*Job descriptions for instructional personnel must include the *Louisiana Components of Effective Teaching*; job descriptions for building-level administrators must include the *Standards for School Principals in Louisiana* as part of the performance responsibilities.

Section 10.0: Employment Requirements

Section 10.0 of the personnel evaluation plan should describe the LEA's policy for providing evaluation results to any school board wishing to hire a person evaluated by the LEA. In the development of this policy, the LEA must adhere to the legislation governing employment requirements. R.S. 17:3884(D) requires that any local board wishing to hire a person who has been evaluated pursuant to Act I of 1994 and Act 38 of 2000, whether that person is already employed by that school system or not, shall request such person's assessment and/or evaluation results as part of the application process. The board to which application is being made shall inform the applicant that, as part of the mandated process, the applicant's assessment and/or evaluation results shall be requested from the previous employer. The applicant shall be given the opportunity to apply, review the information received, and provide any response or information the applicant deems appropriate.

The LEA must adhere to the following guidelines when developing Section 10.0.

The school board shall request the assessment and/or evaluation results of any person it wishes to hire.

The school board shall provide other school boards with assessment and/or evaluation results of persons that the other school boards wish to hire.

The evaluatee shall be given the opportunity to review those assessment and/or evaluation results and provide any response or information that the evaluatee deems appropriate.

Section 11.0: Evaluation Exemption

In this section, the LEA describes its procedures for including/exempting from Local Evaluation those persons assessed under the statewide assistance and assessment program during the year(s) in which they are assessed. Key points to consider in the development of the LEA evaluation exemption policy follow.

Teachers participating in the Louisiana Teacher Assistance and Assessment Program may be exempt from all or part of the local evaluation accountability required by law during the year(s) that they are assessed.

An exemption from local personnel accountability shall not interfere with the right and duty of the appropriate LEA personnel to observe and evaluate the teachers in the performance of their duties.

LEA's shall maintain the right to make employment decisions.

Section 12.0: Statement of Assurance

This section of the plan includes a statement signed by the superintendent of schools and by the president of the school board assuring that the LEA personnel evaluation program has been revised and approved by the school board that governs the affairs of the LEA. The statement of assurance includes a statement that the LEA personnel evaluation program shall be implemented as written. The original Statement of Assurance must be signed and dated by the LEA Superintendent of Schools and by the President of the LEA School Board; the LDE requests that the LEA submit

the statement of assurance prior to the opening of each school year.

Chapter 3. Reporting and Monitoring

Annual Summary Reporting Format

Each LEA will submit an annual personnel evaluation report to the Louisiana Department of Education. Information included in the reporting format reflects data deemed necessary in presenting annual reports to the Louisiana Department of Education, as well as to the LEA's. The reporting of such information includes a variety of responses directed toward the collection of data useful to an analysis of the evaluation process from a statewide perspective. Items that are reported by the LEA's on forms provided by the LDE include, but are not limited to, the following items.

The types of degrees obtained from accredited institutions and the number of certified personnel holding each type of degree

The years of experience of teachers, administrators, central office staff (years in position)

The number of teachers teaching in each area of certification, as well as the number of administrators who are certified for their specific tasks

The total number of teachers employed in the system, including T-certified personnel and personnel given an emergency permit, an internship, or SBESE waiver

The total number of administrators, by categories (principals, assistant principals, certified central office personnel), employed in the system

The number of certified and other professional personnel evaluated by categories (teachers, principals, etc.) under previous systems as opposed to the number evaluated under the current evaluation programs based on written, documented evaluations from the preceding year

The number of certified and other professional personnel, by categories, who were evaluated as performing satisfactorily

The number of certified and other professional personnel, by categories, who were evaluated as performing unsatisfactorily

The number of certified and other professional personnel, by categories, who resigned because of less than satisfactory evaluations or for other reasons related to job performance

The number of certified and other professional personnel, by categories, who were terminated because of not having improved performance within the specified time allotment (Include the reasons for termination.)

The number of evaluations, by categories, used to evaluate certified and other professional personnel during the reporting period (Distinguish between the number of evaluations performed for personnel in position 0-3 years as opposed to personnel in position 4 or more years.)

The number of certified personnel, by categories, who improved (from unsatisfactory to satisfactory) as a result of the evaluation process (Report the data by distinguishing between personnel in position 0-3 years and personnel in position 4 or more years.)

The number of formal grievances filed because of unsatisfactory performance ratings or disagreement with evaluation results

The number of formal hearings held because of unsatisfactory performance or disagreement with evaluation results

The number of court cases held because of unsatisfactory job performance (the number reinstated and basic reasons for reinstatement of personnel)

The number of evaluatees who received intensive assistance.

Technical Assistance Program

The LDE strives to provide assistance relative to particular problems that LEA's might encounter in the implementation of their personnel evaluation program. Upon the request of a school district, the LDE will provide professional advice and assistance in all matters concerned with personnel evaluation. This assistance and advice may be provided through contacts with local systems by LDE personnel or by contacts with the LDE by the LEA's personnel evaluation authorities.

Monitoring LEA Personnel Evaluation Programs

The Legislative mandate through R.S. 17:3883 (B)(5) requires the LDE to monitor programs of educational accountability when requested by the SBESE as deemed necessary. To fulfill the requirements of the legislation as it relates to the component of LEA personnel evaluation, the LDE is mandated to develop and implement guidelines when the monitoring of an LEA program is requested by the State Board of Elementary and Secondary Education.

To assist in the operation of LEA personnel evaluation programs as formulated by the LEA's and submitted to the LDE, the LDE established the methodology to be used when monitoring is requested. The process that the LDE will use is described in the narrative below.

Purpose

The purpose of personnel evaluation monitoring is to determine whether the LEA's evaluation has been implemented, to what extent it has been implemented, and whether it complies with the provisions of the shared accountability legislation. The monitoring is designed to attest to the assurance that the policies and procedures are in actuality the processes being implemented within the LEA. Monitoring will specifically observe the process to ascertain the extent to which the LEA is, or is not, following through on the process designated in their plan. The LDE has established the following goals and objectives for the monitoring of LEA personnel evaluation.

1. Goals

a. To verify the implementation of R.S. 17:3883 B (2) and R.S. 17:3883 B (5)

b. To determine whether such programs have been implemented

c. To determine to what extent they have been implemented

2. Objectives

a. To implement R.S. 17:3883 B(2) and R.S. 17:3883 (B), as requested

b. To collect and compile data

c. To document and analyze the implementation of the personnel evaluation plan

d. To disseminate data to proper authorities at the conclusion of monitoring

e. To maintain appropriate records/files of the monitoring process

f. To review and revise the monitoring guidelines as needed or requested by the SBESE

Procedures

Written notification will be provided to the LEA's prior to monitoring. The LDE team will function as a unit to monitor the LEA personnel evaluation program. Data will be collected, local personnel evaluation plans and evaluation records will be reviewed, and interviews may be completed as means of documentation. After monitoring has been completed, the LDE Team will submit a report to the appropriate authorities, which will include, but not necessarily be limited to, the State Superintendent of Education, the State Board of Elementary and Secondary Education, and the Superintendent of the LEA.

The LDE Team shall perform the following tasks when monitoring is deemed necessary.

Notify the LEA superintendent and contact person and secure necessary preliminary documentation (e.g. the local personnel evaluation plan).

Prepare a pre-monitoring report.

Inform the superintendent or designee and other appropriate personnel of the monitoring method and timelines to be observed when monitoring is being conducted.

Visit the LEA; collect data; compile the data by one or more of the means listed below:

- a. A pre-monitoring conference (LDE Team)
- b. A review of the pre-monitoring report with the contact person and/or other appropriate personnel
- c. A determination by the LDE Team of the compliance or failure to comply through on-site visits, completion of interviews, and/or viewing records

Review the LEA's personnel evaluation program; check the areas of the LEA's personnel evaluation programs including the following elements.

- a. The method of dissemination for the personnel evaluation program plans
- b. The method of documenting the achievement of the purposes of the LEA personnel evaluation program
- c. The accuracy of the evaluators/observers listed in Section 6.2 - Accountability Relationships
- d. The assurance that all certified and other professional personnel are included in the evaluation process
- e. The development of professional growth plans by all of the evaluatees
- f. The implementation of stated observation procedures
- g. The implementation of stated evaluation procedures
- h. The verification of the evaluatees' knowledge of evaluation criteria
- i. The verification of the dissemination of job descriptions
- j. The verification of necessary intensive assistance schedules

Conduct a post-monitoring conference; conduct a "close-out" session with the LEA Superintendent, contact person, and/or appropriate personnel.

Inform the LEA in writing of compliance, the areas of noncompliance, and of recommendations.

Provide assistance to the LEA in developing a plan of action to strengthen any noncompliance areas of the LEA's plan.

Plan for and conduct follow-up monitoring as necessary to determine implementation status of the plan of action.

Notify the SBESE of the LEA's compliance status.

Make recommendations to the SBESE.

Appendix A

Panel II Report: Toward Strengthening and Standardizing Local School Districts' Teacher Evaluation Programs C 1992

Introduction

Teaching is thinking,
thinking about what students need to know and be able to do,

thinking about what the teacher can do to foster such learning,

thinking about how successful the teacher has been in achieving the desired learning outcomes, and

thinking about how the teacher should teach that lesson next time.

Teacher evaluation focuses on what students know and are able to do and what the teacher can do to strengthen or enhance the level of learning in the classroom. Teacher evaluation is meaningful, in that it deals with aspects of instruction that make sense to both the teacher and evaluator. Teacher evaluation is productive and results in recommendations that improve the quality of the teaching-learning process. This conception of teacher evaluation guided the panel as it pursued its charge.

The panel's conception of teacher evaluation is consistent with the definition of evaluation found within *Bulletin 1525: Personnel Evaluation Accountability, A Guide for Implementation*, page 7, #10:

Evaluation--the process of making considered judgments concerning the professional accomplishments and competencies of a certified employee, as well as other professional personnel, based on a broad knowledge of the area of performance involved, the characteristics of the situation of the individual being evaluated, and the specific standards of performance pre-established for the position.

Distinctions between Assessment and Evaluation

The panel realized that it was important to make some distinctions between assessment and evaluation. The purpose of the state assessment program is to determine whether a teacher can teach effectively, whereas the local evaluation program determines whether a teacher does teach effectively. The Louisiana Department of Education (LDE) is responsible for the state assessment program while the local school districts are responsible for the local teacher evaluation programs. *The Louisiana Components of Effective Teaching* is utilized as performance criteria in both programs. Panel II's responsibility was to establish guidelines for strengthening and standardizing local teacher evaluation. A standardized performance-based instrument for state assessment, the Louisiana Teacher Appraisal Instrument, will be developed by Panel IV.

The Panel's Charge

The panel was charged to make recommendations for strengthening and standardizing the teacher evaluation programs employed by school districts across the state. The panel operated under the assumption that local teacher evaluation programs would be standardized if they were a) grounded in the same statement of philosophy and purposes, b) used common criteria to evaluate teachers, and c)

included procedures that complied with uniform guidelines for teacher evaluation programs. Furthermore, the panel believed that teacher evaluation programs would be strengthened, if such philosophy and purposes, criteria, and guidelines reflected the best current thinking and research about effective teacher evaluation practices. Thus, panel members considered the current literature on teacher evaluation and then developed a statement of philosophy and purposes for teacher evaluation in Louisiana, as well as uniform guidelines for local teacher evaluation programs across the state. These guidelines include reference to common criteria that would be used to evaluate teachers, the Louisiana Components of Effective Teaching. The Louisiana Components of Effective Teaching were developed by another panel.

In addition to developing a common set of state guidelines for teacher evaluation programs, the panel developed criteria for each guideline that can be used to determine whether a local school district's teacher evaluation program complies with that guideline. The panel recommends that these guidelines be used by the Louisiana Department of Education to strengthen and to standardize teacher evaluation programs at the local school district level according to the following timeline:

1992-93 - All school districts will review their current teacher evaluation programs in light of the new state guidelines and will develop plans to strengthen their programs if necessary.

1993-94 - All school districts will implement the new practices needed to strengthen their teaching evaluation programs,

1994-95 - All school districts will continue to implement their new teacher evaluation practices and make refinements if necessary.

As local school districts proceed to review and to strengthen their current teacher evaluation programs, the panel recommends that the Louisiana Department of Education provide them with resources that can assist them in this process. Such resources could include information about teacher evaluation staff development opportunities available at the state and regional levels, examples of some more effective teacher evaluation practices being implemented in Louisiana school districts, and readings such as *A Handbook for Teacher Evaluation and Professional Growth in More Productive Schools*¹, among others.

The statement of philosophy and purposes of teacher evaluation, as well as the guidelines for teacher evaluation programs developed by this panel are presented in the subsequent sections of this report. It is important to note that the panel viewed teacher evaluation in the generic sense, a process for the evaluation of all certified professional staff (i.e., classroom teachers, special services staff, and building, as well as district level administrators).

Philosophy and Purposes of Teacher Evaluation

As we move through the decade of the nineties, it is clear that public schools must provide a high quality education that prepares our youth for the demands of the 21st century. In order to meet these challenges, educators must focus on providing the best educational opportunities for all children. Recognizing this, the State Board of Elementary and Secondary Education has established uniform guidelines for personnel evaluation.

Personnel evaluation is directed toward the continued enhancement of learning through a process of encouraging professional growth for all educators by establishing a system of professional accountability. It is an ongoing, shared process aimed at improving instruction and the learning environment for all students.

The purposes for which teacher evaluation will be used in Louisiana are as follows:

To assure the public that the educational system is providing the best opportunities for all children to learn, the best qualified personnel are employed in every position, and effective teaching continues in the classroom;

To foster the continuous improvement of teaching and learning by providing opportunities for the professional growth of all educators; and

To provide support for the professional development of new teachers during their period of internship.

Guidelines for Teacher Evaluation Programs

Guidelines for local school district teacher evaluation programs in Louisiana are presented in the subsequent sections of this report. Compliance criteria are provided for each guideline.

Yes - indicates that the school district meets the criterion.

No - indicates that the school district does not meet the criterion.

Partial - indicates that the school district has a plan for meeting the criterion.

A school district's teacher evaluation program is approved with respect to a particular guideline if it meets all criteria for that guideline. The program receives conditional approval if it meets some criteria and has a plan for meeting all the others. Disapproval results when the school district does not meet all the criteria for a particular guideline and has no plan to rectify this situation.

1. Focus on Educational Improvement

The teacher evaluation program is well grounded in the local school district's educational philosophy and goals. An overview of the district's philosophy and priority educational goals is provided and related to the philosophy and purposes of teacher evaluation. A clear message is provided as to how teacher evaluation will be used more effectively to facilitate the attainment of short and long term goals for educational improvement at the district and school building levels.

Compliance criteria:

District's philosophy and priority educational goals are related to the philosophy and purposes of teacher evaluation.	Y	N	P
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Teacher evaluation is related to goals for educational improvement at the district level.	Y	N	P
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Teacher evaluation is related to goals for educational improvement at the school building level.	Y	N	P
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Overall assessment: () Approval () Conditional approval () Disapproval

2. Staff Involvement in the Teacher Evaluation Program

A teacher evaluation steering committee is formed at the local school district level. Representative of administrators and classroom teachers, the committee is selected by each of these groups. This standing committee is responsible for assessing the strengths and weaknesses of the school district's teacher evaluation program in light of the Louisiana Guidelines for Teacher Evaluation Programs. Furthermore, it will oversee the planning and implementation of any revisions necessary to strengthen the teacher evaluation

process. Periodically, at least every three years, this committee will evaluate the extent to which the purposes of the local teacher evaluation program are being achieved.

Compliance criteria:

A representative teacher evaluation steering committee has been formed to review the current local teacher evaluation program in light of new state guidelines.	Y	N	P
This committee has balanced representation of both teachers and administrators.	Y	N	P
The committee has developed a plan for strengthening the current teacher evaluation process where necessary.	Y	N	P
The committee has developed a plan for evaluating whether the purposes of the teacher evaluation program are being achieved.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

3. Philosophy and Purposes of Teacher Evaluation

The philosophy and purposes for which teacher evaluation is used in the local school district are stated clearly in writing. This philosophy is grounded in the beliefs that all students can learn; good teaching increases the chances of students learning; and a collegial, collaborative relationship between a teacher and evaluator creates the appropriate climate for good teaching.

A purpose of the teacher evaluation program is to assure the public that the educational system is providing the best opportunities for all children to learn, that the best qualified personnel are employed in every position, and that effective teaching continues in the classroom.

Another purpose of the teacher evaluation program is the improvement of the teaching/learning process. This purpose includes the encouragement of creativity and innovation in the planning and implementation of teaching strategies that are consistent with the contemporary research on effective classroom processes. Teacher evaluation includes promoting the professional growth and development of staff, as well as providing support for new teachers during their period of internship.

In summary, teacher evaluation is pursued with the spirit that it is a process for making good teachers better, rather than one that is directed toward finding fault with teaching.

Compliance criteria:

The philosophy and purposes of the local teacher evaluation program are stated clearly in writing.	Y	N	P
The philosophy and purposes of the local teacher evaluation program have been explained to and discussed with teachers.	Y	N	P
The purposes provide the public assurances that only effective teachers continue to be employed by the school district.	Y	N	P
The purposes reflect sound principles of effective teaching and learning that are supported by contemporary research.	Y	N	P
The purposes support the improvement of the teaching-learning process, as well as the continued professional growth and development of instructional personnel.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

4. Accountability Relationships

Accountability relationships are defined clearly in writing. These relationships are communicated effectively so all professional staff know who is accountable to whom for the purposes of teacher evaluation.

Compliance criteria:

Accountability relationships are defined clearly in writing.	Y	N	P
Teachers are informed each year as to who is responsible for their evaluation.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

5. Evaluation Criteria

The evaluation criteria for each professional staff position (i.e., teachers, principals, librarians, etc.) are stated clearly in writing in the job description. Classroom teachers are evaluated on the basis of job descriptions that include the *Louisiana Components of Effective Teaching* and any other appropriate criteria identified by the local school district. The *Louisiana Components of Effective Teaching* is a broad, general description of good teaching. Because teacher evaluation results in an in-depth analysis of teaching, it is usually not advisable to use only a rating scale or checklist to rate a successful, experienced teacher on all of the criteria included in the job description. Instead, these criteria should be used as a frame of reference for a descriptive review and analysis of teaching that focuses the evaluation process on strengthening and/or enhancing a few critical aspects of teaching.

Compliance criteria:

The evaluation criteria for each professional staff position are stated clearly in writing in the job description.	Y	N	P
The Louisiana Components of Effective Teaching are included in the job descriptions of instructional personnel.	Y	N	P
The evaluation criteria provide a frame of reference for a descriptive review and analysis of teaching rather than only a rating scale or checklist of teaching effectiveness.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

6. The Classroom Observation Process

Classroom observation is a critical aspect of the teacher evaluation process. The evaluator conducts observations that are of sufficient duration to see the lesson begin, develop, and culminate. A pre-observation conference is conducted to review the teacher's lesson plan. A post-observation conference is arranged to discuss and analyze the lesson, as well as to prepare an observation report. The primary purpose of this report is not to rate the teacher on a scale or checklist, but rather, to reach consensus on commendations, as well as recommendations for strengthening or enhancing teaching. Follow-up classroom visits and observations are conducted to determine what impact these recommendations have had on improving the quality of the teaching-learning process in the teacher's classroom.

Compliance criteria:

Teaching is evaluated through periodic classroom Observations.	Y	N	P
Observations are of sufficient duration to see the lesson begin, develop, and culminate.	Y	N	P
The primary purpose of the classroom observation is not to rate the teacher, but rather, to reach consensus on commendations, as well as to make recommendations to strengthen or enhance teaching.	Y	N	P
Follow-up classroom visits and observations are conducted to reinforce positive practice and to determine how recommendations have impacted the quality of the teaching-learning process.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

7. Developing the Professional Growth Plan

Periodic evaluation conferences are conducted to discuss and to analyze teaching for the purpose of developing longer term (1-2 year) professional growth plans to strengthen or enhance the teaching-learning process in the classroom. These professional growth plans are based on a descriptive analysis of teaching rather than on only the results of a checklist or rating scale. Usually such plans include two to three objectives developed collaboratively by the teacher and evaluator. For successful, experienced teachers, these objectives may extend beyond the professional responsibilities included in the job description and may be used to explore new, untried, innovative ideas or projects. Each objective includes a plan of action to guide the teacher's progress, as well as observable evaluation criteria that the teacher and evaluator can use to determine the extent to which each objective has been achieved. The evaluation criteria show clearly how achievement of the objective will impact the quality of the teaching-learning process in the classroom.

Compliance criteria:

Teachers develop longer-term professional growth plans to strengthen or enhance the teaching-learning process.	Y	N	P
Professional growth plans are based on objectives developed collaboratively by the teacher and evaluator.	Y	N	P
A plan of action and evaluation criteria are specified for each objective.	Y	N	P
For successful, experienced teachers, objectives are used to explore new, untried, innovative ideas or projects.	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

8. Teacher Self- Evaluation

Teachers are encouraged to assume significant responsibility for the evaluation of their performance. Ample opportunities are provided throughout the teacher evaluation process for personal reflection, self-evaluation, and peer collaboration. The products of such efforts are shared in self-evaluation reports which teachers submit as part of the teacher evaluation process. Training is provided for all teachers in techniques for reflection and self-evaluation. Additional staff development opportunities are provided for those teachers who wish to work as peer coaches or in other peer support and assistance roles (i.e., mentors, peer support persons in intensive assistance programs for experienced teachers). Participation in such peer support roles is voluntary. Teachers serving as peer coaches or providing other peer support and assistance are not evaluators as defined in these guidelines.

Compliance criteria:

Training is provided for teachers in techniques for personal reflection, self-evaluation, and peer collaboration.	Y	N	P
Teachers are provided opportunities throughout the evaluation process for personal reflection, self-evaluation, and peer collaboration.	Y	N	P
Teachers include a self-evaluation as part of the overall evaluation of their teaching.	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

9. The Evaluation Period

All professional staff are evaluated in writing each year. How professional staff are evaluated may vary depending on their experience and proficiency in the classroom. The evaluation process for intern teachers tends to focus on strengthening proficiency in the classroom, while the evaluation process for tenured, experienced teachers tends to focus on professional growth and school improvement. Beginning teachers and those new to the school district will be evaluated each year through classroom observations for their first three years of employment. More experienced teachers will be evaluated on the basis of classroom observations at least once every three years. Successful, tenured teachers may be evaluated on a multi-year cycle that encourages staff to pursue longer term professional growth and school improvement initiatives: for example, a three-year cycle may be implemented as follows:

Year 1 - Teacher is evaluated formally on the basis of classroom observation

Years 2-3 - Teacher is evaluated on the basis of progress toward those objectives included in his/her professional growth plan. Periodic classroom visits and/or observations may be conducted as necessary at the discretion of the evaluator or at the request of the teacher.

It is imperative that professional staff clearly understand the procedures and timelines that will be used to evaluate their performance.

Compliance criteria:

All professional staff are evaluated in writing each year.	Y	N	P
The evaluation process is tailored to the levels of experience and classroom proficiency of the teacher.	Y	N	P
Successful, tenured teachers are evaluated on a multi-year cycle that encourages staff to pursue more meaningful, longer term professional growth and school improvement initiatives.	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

10. Information Included in the Teacher Evaluation Process

The evaluation of teaching is based on one or a combination of the following:

Evaluator's assessment of teaching based on the criteria specified in the teacher's written job description, including the Louisiana Components of Effective Teaching,

Evaluator's assessment of the progress the teacher has made toward achieving those objectives included in the professional growth plan that was developed collaboratively with the evaluator, and

Teacher's self-evaluation of teaching as well as progress toward achieving those objectives included in his/her professional growth plan.

Compliance criteria:

Evaluator's assessment of teaching is based on the job description, including the Louisiana Components of Effective Teaching.	Y	N	P
Evaluator's assessment of teaching is based on progress toward the objectives included in the teacher's professional growth plan.	Y	N	P
Evaluation includes the teacher's self-evaluation of teaching, as well as his/her progress toward objectives included in the professional growth plan.	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

11. Coordination with the Induction of Intern Teachers

Mentor support is provided through the teacher evaluation process for the induction and professional growth of intern teachers. A concerted effort is made to insure that intern teachers are socialized in a professional manner and that they experience success in the classroom. Assistance made available through the local teacher evaluation process is coordinated with the state support and assessment program for any beginning teacher with a Provisional or Temporary Teaching Certificate.

Compliance criteria:			
Mentor support is provided for the induction of intern teachers.	Y	N	P
The Louisiana Components of Effective Teaching is a focus for the evaluation of beginning teachers.	Y	N	P
Assistance made available through the local teacher evaluation process is coordinated with the state support and assessment program for beginning teachers.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

12. Intensive Assistance for Experienced Teachers

If it is determined through the teacher evaluation process that an experienced teacher does not satisfactorily meet the local school district's standards of performance, then that teacher is placed in an intensive assistance program. When the teacher is placed in such a program, he/she is informed in writing of the reason(s) for the placement. Then an intensive assistance plan is developed with the teacher.

The plan specifies

- a. what the teacher needs to do to strengthen his/her performance including a statement of the objective(s) to be accomplished and the expected level(s) of performance;
- b. what assistance/support is provided by the school district;
- c. a timeline for achieving the objectives and the procedures for monitoring the teacher's progress including classroom observations and conferences; and
- d. the action that will be taken if improvement is not demonstrated.

Experienced teachers can assume that they are performing satisfactorily unless they have been placed in an intensive assistance program.

Compliance criteria:			
An intensive assistance program is provided for teachers who do not meet the local district's standards of satisfactory performance.	Y	N	P
Any teacher placed in an intensive assistance program is informed in writing of the reason(s) for this placement.	Y	N	P
An intensive assistance plan is developed for any teacher placed in such a program.	Y	N	P
The local school district provides the professional development support necessary to enable the teacher to meet the objectives of this plan.	Y	N	P
The local school district takes appropriate action in accordance with legislative, SBESE and local school board mandates if satisfactory improvement is not demonstrated.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

13. Procedures for Resolving Conflict

The teacher evaluation program includes procedures for resolving disagreement or conflict in a fair, efficient, effective, and professional manner. A teacher must sign any evaluation report placed in his/her personnel file. Signature indicates only that the teacher has received a copy of the report. If the teacher does not agree with any aspect of a report, he/she meets with the evaluator to resolve the disagreement. If the disagreement cannot be resolved, the teacher will attach a signed statement clarifying or rebutting that aspect of the report. Also the teacher may initiate any grievance procedures that apply.

Compliance criteria:			
The evaluation program includes procedures for resolving conflict in a fair, efficient, effective, and professional manner.	Y	N	P
If the conflict cannot be resolved, the teacher is encouraged to submit a signed statement clarifying or rebutting the issue in question.	Y	N	P
Grievance procedures are clearly specified for situations where conflict cannot be resolved.	Y	N	P
Overall assessment: () Approval () Conditional approval () Disapproval			

14. Staff Development for Teacher Evaluation

The school district provides training on a continuing basis for all staff involved in the teacher evaluation process (i.e., district level administrators and supervisors, principals and assistant principals, classroom teachers). This training is supported by the LDE and coordinated through the Regional Service Centers (RSCs). Initial training focuses on developing the following:

- a. a positive, constructive attitude toward teacher evaluation;
- b. a knowledge of state laws and local school district policies governing the teacher evaluation process and associated due process procedures;
- c. an understanding of the Louisiana Components of Effective Teaching; and
- d. an understanding of the local school district's teacher evaluation program, including the philosophy and purposes, criteria, and procedures.

Further training focuses on developing those skills needed to diagnose and to strengthen or enhance teaching effectively. The skills addressed in such training are as follows:

- a. data collection skills necessary to document a teacher's performance accurately,
- b. data analysis skills necessary to make accurate judgements about a teacher's performance,
- c. conferencing skills necessary to provide clear, constructive feedback regarding a teacher's performance,
- d. skills in developing and facilitating meaningful professional growth plans, plans that strengthen or enhance teaching effectiveness, and
- e. skills in writing effective evaluation reports, reports that document how evaluation has impacted the quality of the teaching-learning process in the classroom.

Training undertaken by administrators to implement the teacher evaluation process effectively is counted toward the accumulation of Louisiana Administrative Leadership Academy points.

Compliance criteria

The local school district provides initial training that focuses on developing the following:

a)	a positive constructive attitude toward teacher evaluation	Y	N	P
b)	a knowledge of the laws/policies governing teacher evaluation associated due process procedures	Y	N	P
c)	an understanding of the <i>Louisiana Components of Effective Teaching</i>	Y	N	P
d)	an understanding of the school district's teacher evaluation program	Y	N	P

The local school district provides further training in the following skill areas:

a)	data collection skills necessary to document teaching accurately	Y	N	P
b)	data analysis skills needed to make accurate judgements about teaching	Y	N	P
c)	conferencing skills needed to provide clear, constructive feedback	Y	N	P
d)	skills in developing meaningful professional growth plans	Y	N	P
e)	skills in writing effective teacher evaluation reports	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

15. Impact of the Teacher Evaluation Process

The impact of the teacher evaluation process on improving teaching and learning at the school building and district levels is documented and discussed by the staff each spring. The accomplishments of teachers and administrators in this regard are celebrated and shared with the school community.

Compliance criteria:

The impact of the teacher evaluation process on improving teaching and learning at the school building and district levels is documented and discussed each spring.	Y	N	P
The accomplishments of teachers and administrators in this regard are celebrated and shared with the school community.	Y	N	P

Overall assessment: () Approval () Conditional approval () Disapproval

Implementation and Staff Development Plan

Earlier in this report, this panel recommended that the guidelines just presented be used by the LDE to strengthen and standardize local teacher evaluation programs over a three-year period. An implementation and staff development plan is provided below to guide this process.

September/October 1992

The LDE and the Regional Service Center (RSC) staff, as well as superintendents and personnel evaluation contact persons, are oriented to

- a) the Louisiana Guidelines for Teacher Evaluation Programs and
- b) the procedure for using these guidelines to strengthen and standardize teacher evaluation programs at the local school district level.

Teachers and administrators are provided a copy of the Louisiana Guidelines for Teacher Evaluation Programs and are informed how these guidelines will be used to strengthen and standardize local teacher evaluation programs.

October 1992

The local education agencies (LEA's) form an eight to twelve member teacher evaluation steering committee. The superintendent (or his/her designee) and the personnel evaluation contact person will serve on this committee. Two

other members of this committee, a teacher and a building administrator, will be selected to serve as the LEA's teacher evaluation resource persons. These two resource persons, the superintendent (or his/her designee) and the personnel evaluation contact person will comprise the LEA's Core Team for teacher evaluation. This Core Team will be trained by the LDE through the RSCs to serve as a teacher evaluation staff development resource to the local school district and its steering committee. Also, the two resource persons on this team will assist the LDE in its review of the teacher evaluation programs of other school districts in the service region.

October/November 1992

The LDE conducts regional workshops to orient the LEA Core Teams to a) the Louisiana Guidelines for Teacher Evaluation Programs and b) the procedures for reviewing current teacher evaluation programs in light of these guidelines.

December 1992

The Core Team orients the LEA's teacher evaluation steering committee to a) the Louisiana Guidelines for Teacher Evaluation Programs and b) the procedures for reviewing its current teacher evaluation program in light of these new guidelines. Then this steering committee develops and implements a plan to review and revise its teacher evaluation program. The revision plan includes:

- a. a list of the modifications/changes needed,
- b. a process and timeline for making these modifications/changes,
- c. a procedure for sharing the work of the committee with other teachers and administrators in the school district for their reaction and feedback.

January 1993

The local steering committee completes its review of the LEA's teacher evaluation program and submits a Teacher Evaluation Self-Assessment Report to the LDE by February 1, 1993. This is a self-assessment to the extent to which the LEA believes it complies with each of the Louisiana Guidelines for Teacher Evaluation Programs. The steering committee shares the essence of this Self-Assessment Report with other teachers and administrators in the school district.

February/March 1993

The LDE conducts regional workshops to orient the LEA teacher evaluation resource persons to its process for reviewing the Teacher Evaluation Self-Assessment Reports submitted by the local teacher evaluation steering committees. The LDE proceeds with its review of the Teacher Evaluation Self-Assessment Reports. The Self-Assessment Report submitted by each local teacher evaluation steering committee is examined by a three member State Review Team comprised of an LDE staff member and a teacher and an administrator resource person from another school district. The State Review Team examines the steering committee's Self-Assessment Report to determine the extent to which the LEA's teacher evaluation program complies with the Louisiana Guidelines for Teacher Evaluation Programs. The results of this review are summarized in a Teacher Evaluation Status Report that is shared later with the LEA.

March 1993

The LDE completes its review of the Teacher Evaluation Self-Assessment Reports and shares the Teacher Evaluation

Status Reports with the LEA's. Then the local teacher evaluation steering committee reviews its LEA's Status Report. Once the steering committee completes this review, it can meet with the LDE staff if it wishes to discuss any aspects of the Status Report or pose any questions it has about discrepancies between the Status Report and the LEA's Self-Assessment Report.

March-May, 1993

The local steering committee follows its plan for making changes/modifications in its teacher evaluation program. This process includes trying out any new techniques or approaches to teacher evaluation with a small sample of teachers to determine whether they would have the impact desired. Also during this period, the LDE conducts a five-day training program for Core Team members through the RSCs. The purpose of this program is to help teachers and administrators to develop the appropriate understanding of critical teacher evaluation skills to be able to go back to their school districts to train their colleagues in these skills. Topics addressed in this program would include analyzing teaching using the Louisiana Components of Effective Teaching, classroom observation, conferencing, writing effective evaluation reports, developing professional growth plans, and facilitating self-evaluation.

June 1993

The local steering committee completes its plan for implementing the local teacher evaluation program during the 1993-94 school year. Then the committee a) orients its teachers and administrators to this plan and b) submits this plan to the LDE by June 15, 1993 as part of its yearly Personnel Evaluation Report.

July-August 1993

The local steering committee conducts appropriate workshops with teachers and evaluators to prepare them for the implementation of the teacher evaluation program during the 1993-94 school year.

September 1993-May 1994

The local steering committee implements its revised teacher evaluation program and meets monthly to monitor its implementation. Implementation is supported by an ongoing staff development program for teachers and administrators.

November 1993 and March 1994

The State Review Teams conduct fall and spring site visits. During these visits the local steering committee meets with its Review Team to provide an update on the progress it has made in implementing and strengthening its teacher evaluation program. Also, the steering committee indicates what staff development resources it would like to see provided through the RSC to support the further implementation of its teacher evaluation program. The Review Team prepares a Site Visit Report to document the outcomes of each visit and shares this report with the LDE and RSC staff.

June 1994

The local Steering committee reviews what it has accomplished during the 1993-94 school year and refines its plan for implementing the local teacher evaluation program during the 1994-95 school year. Then the committee a) orients its teachers and administrators to this plan and b) submits this plan to the LDE by June 15, 1994 as part of its yearly Personnel Evaluation Report.

July-August 1994

The local steering committee conducts appropriate workshops with teachers and evaluators to prepare them for the implementation of the teacher evaluation program during the 1994-95 school year.

September 1994-May 1995

The local steering committee implements its refined teacher evaluation program and meets monthly to monitor its implementation. Implementation is supported by an ongoing staff development program for teachers and administrators.

November 1994 and March 1995

The State Review Teams conduct fall and spring site visits. During these visits the local steering committee meets with its Review Team to provide an update on the progress it has made in implementing and strengthening its teacher evaluation program. Also, the steering committee indicates what staff development resources it would like to see provided through the RSC to support the further implementation of its teacher evaluation program. The Review Team prepares a Site Visit Report to document the outcomes of each visit and shares this report with the LDE and RSC staff.

June 1995

The local steering committee reviews what it has accomplished during the 1994-95 school year and refines its plan for implementing the local teacher evaluation program during the 1995-96 school year. Then the committee a) orients its teachers and administrators to this plan and b) submits this plan to the LDE by June 15, 1995 as part of its yearly Personnel Evaluation Report.

Building a Capacity for Staff Development

The Implementation and Staff Development Plan just presented requires that the LDE build a capacity for staff development through its LEAs and RSCs.

In building such a capacity, it is important that training be provided by personnel that are both knowledgeable in techniques of teacher evaluation, as well as in the process of effective staff development. In summary, there is a need to identify or develop a cadre of good people to conduct the training necessary to strengthen local teacher evaluation practices.

While some out-of-state consultants could be used, it is important to develop a local, Louisiana capacity for staff development in teacher evaluation. This capacity could be accomplished by meeting with the deans in schools of education to learn what staff development resources could be provided through higher education. In addition, superintendents could be polled to obtain their recommendations of people in their districts who are doing some good things in teacher evaluation that could be called on to do training. Depending on what resources are identified through contacts with deans and superintendents, a decision would need to be made as to whether there is a need to develop further staff development resources for teacher evaluation through a trainer of trainers program for select LEA or RSC personnel.

In addition to identifying staff development resources, it is important to determine where the training will take place. Certainly, much of the training will be conducted at the RSCs and in the LEAs. Also, consideration should be given to whether some professional development centers might be established for training in teacher evaluation. These centers

would be schools where good teacher evaluation is being practiced. Teachers and administrators would go to these schools to strengthen their evaluation skills through direct involvement in the teacher evaluation process under the supervision of knowledgeable practitioners.

In concluding, this panel believes it is critical that the LDE build an adequate capacity for staff development in teacher evaluation to support its initiative to strengthen local teacher evaluation practices. Also, the LDE must develop a long range plan that clearly conveys to the LEAs those staff development resources that will be available to support local efforts to strengthen teacher evaluation programs over the next three years.

Developing a Process for the Review and

Approval of Local Teacher Evaluation Programs

The focus of the first year of this plan to strengthen and standardize local teacher evaluation programs is on the review and approval of such programs. This panel recommends that an efficient and effective process be developed by the LDE for the local review, as well as State approval of teacher evaluation programs in light of the Louisiana Guidelines for Teacher Evaluation Programs. More specifically, the panel recommends that a *Teacher Evaluation Self-Assessment Report* such as the one presented in Exhibit 1 be developed to facilitate the local review of teacher evaluation programs. This *Report* would be completed first by individual steering committee members. Next their individual ratings for each guideline would be discussed and consensus would be reached as a committee. Then the LEA would submit to the LDE a *Teacher Evaluation Self-Assessment Report* that represents the consensus opinion of its teacher evaluation steering committee.

As noted earlier, the *Teacher Evaluation Self-Assessment Report* submitted by an LEA would be examined by a three-member state review team comprised of an LDE staff member and two teacher evaluation resource persons, a teacher and an administrator from another school district. This team would share the results of its review with the LEA using a *Teacher Evaluation Status Report* such as the one presented in Exhibit 2. The review team's assessment of an LEA's teacher evaluation program with respect to the Louisiana Guidelines for Teacher Evaluation Programs would consist of a consensus rating, as well as comments regarding the program's strengths and aspects that might be improved. If the review team does not approve the LEA's teacher evaluation program with respect to a particular guideline, it must justify this decision clearly in writing.

Once the LEA receives its *Teacher Evaluation Status Report*, it has 30 working days to respond to the LDE, if either it does not agree with the team's assessment or it wishes to submit a plan to comply with any guidelines for which its teacher evaluation program was not approved. In situations in which an LEA submits such a plan, the state review team for that school district would be reconvened to review this plan and to submit a revised *Teacher Evaluation Status Report*. Also, the state review team may be reconvened to deal with those situations in which the LDE does not agree with the team's assessment.

Exhibit 1

Teacher Evaluation Self-Assessment Report

This *Report* has been developed to help your local school districts to assess the status of its teacher evaluation program in light of the new Louisiana Guidelines for Teacher Evaluation Programs. You are being asked to complete this *Report* as a member of your school district's teacher evaluation steering committee. Later your steering committee will meet to a) discuss the responses of committee members and b) reach consensus as to the status of your school district's teacher evaluation program with respect to each guideline.

The Louisiana Guidelines for Teacher Evaluation Programs are listed in the subsequent section of this *Report*. Following each guideline are criteria for determining whether a school district complies with that guideline. Please review each of the criteria and circle the appropriate response. Circle . . .

Y for Yes, if you believe your school district meets the criterion;

N for No, if you believe your school district does not meet the criterion; or

P for Partial, if you believe your school district has a plan for meeting the criterion.

If you circle Y, please indicate where evidence can be found to support your rating. For example, you may simply refer to a section of your teacher evaluation plan, see pages 7-8 of District Plan. If you circle P, either attach your school district's plan for meeting that criterion or indicate in the evidence section where it can be found, (Example: see page 12 of our School Improvement Plan for 1992-93).

After you have rated each of the criteria for a particular guideline, provide an overall assessment of whether you believe your school district's teacher evaluation program should be approved with respect to that guideline. Check . . .

Approval, if your school district meets all the criteria for that guideline;

Conditional Approval, if your school district has met some of the criteria and has a plan for meeting the others; or

Disapproval, if your school district does not meet all of the criteria for that guideline and has no plan to rectify the situation.

After you have assessed the status of your school district's teacher evaluation program with respect to a particular guideline, please make a note in the Comments section of any issues or questions you want to address with your teacher evaluation steering committee when you meet later to discuss your ratings.

Your cooperation and assistance in carefully completing this *Report* are appreciated. Thank you!

Exhibit 1 (continued)

1. Focus on Education Improvement

The teacher evaluation program is well grounded in the local school district's educational philosophy and goals. An overview of the district's philosophy and priority educational goals is provided and related to the philosophy and purposes of teacher evaluation. A clear message is provided as to how teacher evaluation will be used to facilitate the attainment of short and long term goals for educational improvement at the district and school building levels more effectively.

Compliance criteria:
 District's philosophy and priority educational goals are related to the philosophy and purposes of teacher evaluation. Y N P
 Evidence:

Exhibit 2 (continued)
 Teacher Evaluation Status Report
 Analysis by Guideline

1. Focus on Educational Improvement

Teacher evaluation is related to goals for educational improvement at the district level. Y N P
 Evidence:

Teacher evaluation is related to goals for educational improvement at the school building level. Y N P
 Evidence:

Overall assessment: () Approval () Conditional approval () Disapproval
 Comments:

(. . . The remaining guidelines will be presented in this same format on the subsequent pages of the *Report* . . .)

Compliance criteria:
 District's philosophy and priority educational goals are related to the philosophy and purposes of teacher evaluation. Y N P
 Teacher evaluation is related to goals for educational improvement at the district level. Y N P
 Teacher evaluation is related to goals for educational improvement at the school building level. Y N P

Overall assessment: () Approval () Conditional approval () Disapproval
 Comments:

(. . . The remaining guidelines will be presented in this same format on the subsequent pages of the *Report* . . .)

Exhibit 2
 Teacher Evaluation Status Report
 Overall Summary

District: __ Review Team: ____

Date: _____

1. Focus on Educational Improvement

Overall assessment: () Approval () Conditional approval () Disapproval

2. Staff Involvement in the Teacher Evaluation Process

Overall assessment: () Approval () Conditional approval () Disapproval

3. Philosophy and Purposes of Teacher Evaluation

Overall assessment: () Approval () Conditional approval () Disapproval

4. Accountability Relationships

Overall assessment: () Approval () Conditional approval () Disapproval

5. Evaluation Criteria

Overall assessment: () Approval () Conditional approval () Disapproval

6. The Classroom Observation Process

Overall assessment: () Approval () Conditional approval () Disapproval

7. Developing the Professional Growth Plan

Overall assessment: () Approval () Conditional approval () Disapproval

8. Teacher Self-Evaluation

Overall assessment: () Approval () Conditional approval () Disapproval

9. The Evaluation Period

Overall assessment: () Approval () Conditional approval () Disapproval

10. Information Included in the Teacher Evaluation Process

Overall assessment: () Approval () Conditional approval () Disapproval

Exhibit 2 (continued)

11. Coordination with the Induction of Intern Teachers

Overall assessment: () Approval () Conditional approval () Disapproval

12. Intensive Assistance for Experienced Teacher

Overall assessment: () Approval () Conditional approval () Disapproval

13. Procedures for Resolving Conflict

Overall assessment: () Approval () Conditional approval () Disapproval

14. Staff Development for Teacher Evaluation

Overall assessment: () Approval () Conditional approval () Disapproval

15. Impact of the Teacher Evaluation Process

Overall assessment: () Approval () Conditional approval () Disapproval

General Comments: _____

Name: _____

Title: _____

Signed: _____

Focusing Beyond the Classroom Teacher

As local school districts review their teacher evaluation programs, it is essential that the evaluation process is strengthened for all professional staff, not just for classroom teachers. Just as the LDE took leadership in the development of the Louisiana Components of Effective Teaching and appropriate procedures for the evaluation of classroom teachers, this panel recommends that the LDE take leadership in developing state criteria and appropriate procedures for the evaluation of their professional staff such as principals, special area teachers, and guidance counselors. Until this issue is addressed by the LDE for school principals, the panel encourages the LEAs to consider the purposes, criteria, and procedures which follow when reviewing their process for evaluating school principals.

Purposes of Principal Evaluation

The purposes of evaluation state why the principal is being evaluated. The basic reasons for which a principal is evaluated are as follows:

School Improvement Cto promote the improvement of school programs and the enhancement of student learning,

Professional Growth and Development Cto foster the professional growth and development of new and continuing principals,

Selection Cto select the best qualified persons for principalships, and

Accountability Cto ensure that only effective principals continue in that role in the school district.

School districts tend to place more emphasis on those purposes dealing with school improvement and professional growth, and less emphasis on those dealing with accountability. This approach is most appropriate, since the goal is to select highly qualified principals who focus their attention on school improvement needs, and to strengthen the performance of these administrators using an evaluation process which fosters professional growth and development. In settings where this approach is taken, less attention needs to be paid to the traditional accountability purpose of evaluation.

Proficiencies of the Effective Principal

The Proficiencies of the Effective Principal² presented on the next page are criteria that can be applied when evaluating a school principal. The term *proficiencies* is used here rather than *competencies*, since *competency* merely suggests adequacy, while *proficiency* connotes a high degree of knowledge or skill. The principal behaviors included in these proficiencies are very similar to those identified through a recent study conducted by the Louisiana Administrative Leadership Academy.

Leadership

Defining Direction. . .

1. Exercises vision in defining the school mission and goals
2. Effectively and clearly communicates goals within and without the community
3. Sets high expectations and standards for attainment of school goals
4. Identifies and analyzes relevant information before making decisions or committing resources
5. Provides incentive to excel for both teachers and student
6. Communicates clearly and persuasively
7. Serves as a role model

Instructional Development

8. Monitors student achievement
9. Collects, analyzes and interprets student and school data to identify areas for instructional and program development
10. Uses knowledge of research in curriculum and instruction to initiate school improvement
11. Evaluates professional and support staff constructively
12. Coaches teachers to enhance their instructional effectiveness
13. Engages in a program of ongoing professional development

Human Relations

Consideration. . .

14. Gives specific and frequent feedback
15. Maintains positive school climate through the use of humor
16. Recognizes and praises the accomplishments of students, teachers and staff

Collaboration. . .

17. Fosters teamwork and collegiality
18. Elicits participation in decision making
19. Facilitates group processes and resolves conflict
20. Encourages participatory leadership on the part of the staff
21. Listens to others

Management

School Program Management. . .

22. Plans and prepares an appropriate budget and manages funds effectively
23. Seeks and allocates appropriate resources (materials, money, time) to support curriculum
24. Implements school programs within the confines of district goals and policies
25. Schedules curricular and co-curricular activities efficiently and effectively

26. Understands and applies knowledge of organizations and community politics in generating support for the school

27. Fosters community support for the school and its programs

The Rules and Regulations. . .

28. Identifies norms, guidelines and procedures for school operation

29. Develops clear school rules

30. Develops effective discipline and attendance policies

31. Accepts responsibility for in-school behavior of students, teachers and staff

General Operations. . .

32. Monitors the overall operation of the school

33. Ensures that the physical plant is kept in good order

34. Protects instructional time

35. Maintains a visible presence in the school

Procedures for Principal Evaluation

The most commonly accepted process for evaluating principals is the performance objectives approach. This approach is outlined below.

A Step-by-Step Evaluation Procedure for Principals³

I. Determine Needs

1. The principal reviews:

- a. position description
- b. administrative skills
- c. current district and/or building goals

2. The supervisor (evaluator) reviews:

- a. the above four items
- b. current performance in relation to the requirements

of the job

II. Formulate Work Plan for the Year

1. Principal identifies needs for the coming year based on perceptions of past and current performance.

2. Supervisor reflects on the principal's needs based on past and current performance.

3. Both confer to decide whether the evaluation objective should be a development plan to upgrade existing competencies and/or an improvement plan to correct specific deficiencies.

4. Both discuss necessary activities to achieve the goals of jointly agreed-upon plan.

III. Complete and Implement Work Plan

1. Principal puts work plan in writing, gets approval of supervisor and carries out plan's activities.

2. Supervisor reviews and reacts to principal's work plan and monitors progress in carrying it out.

3. Both parties meet to conduct progress reviews in December and make modifications in plan if needed.

4. Principal completes implementation of work plan.

IV. Assess Results

1. Principal completes self-evaluation form and transmits it to supervisor.

2. Supervisor receives evaluation from principal, completes evaluation of principal's performance and notifies principal of date and place of evaluation conference.

V. Discuss Results

1. Principal and supervisor meet and review principal's evaluation and supervisor's evaluation.

2. They sign final forms.

3. They plan for next evaluation cycle.

Concluding Remarks

This panel has made a number of recommendations directed toward strengthening and standardizing local school districts' teacher evaluation programs. While these recommendations will change teacher evaluation practices in most school districts, simply change was not the primary goal of the panel. Throughout its efforts, the primary intent of the panel was to improve the quality of teacher and learning continually in our schools' classrooms. This improvement was the goal of the Children First Act that led to the reform of teacher evaluation practices in Louisiana. This goal should be the foremost in the minds of teacher evaluation steering committees as they revise or refine their teacher evaluation practices. The true test of whether a teacher evaluation process is effective is evidence that the process has a demonstrable impact on what happens to children in our schools. We are confident that teachers and administrators will perceive our recommendations as an opportunity to implement teacher evaluation practices that improve or enhance the quality of education for children in Louisiana.

Appendix B

Louisiana Components of Effective Teaching C1992, Revised 1998

Domain I. Planning

Planning is an important aspect of the teaching/learning process and is primarily a mental activity. As a result, a pre-conference is essential to discuss plans and the learning environment. Assessment should be made following the pre-conference. The focus of the pre-conference is to be on the components and attributes in the planning domain and any additional teacher-supplied information. Daily written plans should follow local policy. It is the recommendation of this panel that written planning does not go beyond what is required by the local school district.

Component A. The teacher plans effectively for instruction.

Attributes:

1. Specifies learner outcomes in clear, concise objectives

It is not necessary to specify different objectives for each child or groups of children.

2. Includes activity/activities that develop objectives

A required number of activities is not specified because this decision must be made by the teacher.

3. Identifies and plans for individual differences

It is not necessary to specifically describe ways individual differences are to be met in written plans. This will be discussed in the pre-conference.

4. Identified materials, other than standard classroom materials, as needed for lesson.

5. Standard classroom materials include such things as textbooks, chalkboard, pencils, paper, etc.

6. State method(s) of evaluation to measure learner outcomes

7. Evaluation may be formal or informal.

8. Develops an Individual Education Plan (IEP) and/or IFSP*

The Individualized Education Program (IEP) and/or Individualized Family Service Plan (IFSP) will meet state guidelines.

* For special education teachers only.

Domain II. Management

Management is the organization of the learning environment and maintenance of student behavior. Focus should be placed on teacher behavior.

Component A. The teacher maintains an environment conducive to learning.

Attributes:

Organizes available space, materials, and/or equipment to facilitate learning

Promotes a positive learning climate

Component B. The teacher maximizes amount of time available for instruction.

Attributes:

Manages routines and transitions in a timely manner

Manages and/or adjusts allotted time for activities planned

Component C. The teacher manages learner behavior to provide productive learning opportunities.

Attributes:

Establishes expectations for learner behavior

Uses monitoring techniques to facilitate learning

This may include reinforcing positive behavior, redirecting disruptive behavior, as well as, other methods.

Domain III. Instruction

The teacher, as the knowledgeable professional, is the person best-suited to determine effective instruction for his/her classroom.

It is the responsibility of the observer to discuss the lesson with the teacher for clarification. It is important that the observer understand that variations in the lesson may occur during delivery and that the teacher makes adjustments as necessary to accommodate the needs and responses of students. The post-conference should provide an opportunity for the teacher to present his/her rationale for any modifications during the lesson.

The observer must take into account the individual plans of Act 504, special education regulations, and any other identifiable groups.

Component A. The teacher delivers instruction effectively.

Attributes:

Uses technique(s) which develop(s) lesson objective(s)

Technique(s) may include teacher-directed activity/activities or student-centered activity/activities.

Sequences lesson to promote learning

Sequencing means that the teacher initiates, develops, and closes the lesson with continuity.

Uses available teaching material(s) to achieve lesson objective(s)

Adjusts lesson when appropriate

The teacher integrates technology into instruction

Component B. The teacher presents appropriate content.

Attributes:

Presents content at a developmentally appropriate level

The teacher is knowledgeable of the content and relates it to the abilities and interests of the students.

Presents accurate subject matter

Relates relevant examples, unexpected situations, or current events to the content

Component C. The teacher provides opportunities for student involvement in the learning process.

Attributes:

Accommodates individual differences

The teacher recognizes that students perform at different levels and provides opportunities for them to become involved. There are many ways of accommodating individual differences among children. Some of these are not always evidenced in observations, but in the planning. It may be necessary for the observer to ask the teacher for clarification of this in the post-conference.

Demonstrates ability to communicate effectively with students

Stimulates and encourages higher order thinking at the appropriate developmental levels

Encourages student participation

Component D. The teacher demonstrates ability to assess and facilitate student academic growth

Attributes:

Consistently monitors ongoing performance of students

Uses appropriate and effective assessment techniques.

Assessing student performance may include formal and/or informal assessment procedures as well as formative and summative. Feedback may be verbal or non-verbal.

Provides timely feedback to students

Produces evidence of student academic growth under his/her instruction

Domain IV. Professional Development
(Non-Performance)

Professional development is not a performance component. It provides the opportunity for the teacher to use the evaluation process as a professional development plan. Just as children use different modes of learning, teachers also need to use a variety of channels to achieve professional development. The professional development plan may include a variety of ways in which teachers can engage in growth activities. The successful teacher shall not be mandated to participate in any one specific growth activity.

During the post-observation conference, the principal/designee and the teacher will set a date to discuss the proposed professional self-development plan for the teacher.

Component A. The experienced teacher plans for professional self-development.

These recommended activities are not limited to but may include being a mentor teacher; developing curriculum; delivering inservices; serving on textbook committees; developing teaching materials; promoting positive public relations; serving on SACS committees; reading professional literature; conducting research; evaluating programs; participating in workshops, conferences, professional organizations, school-based activities, classroom observation of peers, and parent/teacher organizations, etc. These activities will be monitored on the local level.

If an experienced teacher does not perform satisfactorily, an intensive assistance plan shall be developed.

Component B. The new teacher plans for professional self-development.

The intent of Component B is that the new teacher will concentrate on necessary improvements in Domains I, II, III, and/or V as agreed upon with his/her principal and other members of the support/assistance team.

If through the assessment process the new teacher does not demonstrate competence in Domains I, II, III, and/or V, a professional growth plan shall be developed which concentrates on the necessary improvements.

If through the assessment process the new teacher has demonstrated competence in Domains I, II, III, and V, the new teacher may select to engage in self-selected growth activities as outlined in Component A of Domain IV.

Domain V. School Improvement

Component A. The teacher takes an active role in building-level decision making

Attributes:

Participates in grade level and subject area curriculum planning and evaluation

Serves on task forces and decision-making committees, when appropriate

Implements school improvement plan

Component B. The teacher creates partnerships with parents/caregivers and colleagues.

Attributes:

Provides clear and timely information to parents/caregivers and colleagues regarding classroom expectations, student progress, and ways they can assist learning

Encourages parents/caregivers to become active partners in their children's education and to become involved in school and classroom

Seeks community involvement in instructional program

Appendix C

Standards for School Principals in Louisiana C1998

Standards for Principals in Louisiana

Standard #1 - Vision:

The principal engages the school community⁴ in developing and maintaining a student-centered vision for education which forms the basis for school goals and guides the preparation of students as effective, lifelong learners in a pluralistic society.

Standard #2 - Teaching and Learning:

The principal uses a knowledge of teaching and learning in working collaboratively with the faculty and staff to implement effective and innovative teaching practices which engage students in meaningful and challenging learning experiences.

Standard #3 - School Management:

The principal promotes the success of all students by ensuring management of the organization, operations, and resources for a safe and orderly learning environment.

Standard #4 - School Improvement:

The principal works with the school community to review data from multiple sources to establish challenging standards, monitor progress, and foster the continuous growth of all students.

Standard #5 - School Community Relations:

The principal uses an understanding of the culture of the community to create and sustain mutually supportive school-community relations.

Standard #6 - Professional Development:

The principal works collaboratively with the school faculty and staff to plan and implement professional development activities that promote both individual and organizational growth and lead to improved teaching and learning.

Standard #7 - Professional Ethics:

The principal demonstrates honesty, integrity, and fairness to guide school programs in an ethical manner

Elaborated Standard: Vision

Vision: The principal engages the school community⁴ in developing and maintaining a student-centered vision for education which forms the basis for school goals and guides the preparation of students as effective, lifelong learners in a pluralistic society.

Knowledge and Skills

The principal has knowledge, skills, and understanding of:

- a. a "preferred" future⁵ regarding the success of all students;
- b. group process strategies for melding the diverse values and expectations of the school community into a shared understanding of desired student outcomes;
- c. theories of child and human development, the teaching-learning process, and models of and processes for on-going school improvement; and
- d. relevant research findings and strategies for using data to develop and maintain the school vision.

Dispositions

The principal believes in, values, and commits to

- a. the centrality of students to the school vision and goals;
- b. involving the school community in establishing the school vision and goals;
- c. respecting the existing school and community cultures while working for changes that improve outcomes for all students;
- d. stewardship of the school vision, and sponsorship of school goals; and
- e. enabling students to think critically about complex issues.

Performances

The principal demonstrates the ability to

- a. work collaboratively with the school community to develop and maintain a shared school vision;
- b. bring the school vision to life by using it to guide decision making about students and the instructional programs;
- c. maintain faculty focus on developing learning experiences that will enable students to prosper in subsequent grades and as adults;
- d. maintain open communication with the school community and effectively convey high expectations for student learning to the community;
- e. provide opportunities and support for collaboration, the exchange of ideas, experimentation with innovative teaching strategies, and ongoing school improvement;
- f. monitor, assess, and revise the school vision and goals as needed; and
- g. foster the integration of students into mainstream society while valuing diversity.

Elaborated Standard: Teaching and Learning

Teaching and Learning: The principal uses a knowledge of teaching and learning in working collaboratively with the faculty and staff to implement effective and innovative teaching practices which engage students in meaningful and challenging learning experiences.

Knowledge and Skills

The principal has knowledge, skills, and understanding of

- a. research and theories related to teaching, learning, curriculum development and integration, and motivation;
- b. methods for effectively communicating high standards and high expectations for student achievement;
- c. strategies for creating an empowering environment that supports innovative teaching and powerful learning⁶;
- d. supervisory and observational techniques that promote effective teaching and learning in a growth oriented environment
- e. authentic, psychometrically sound⁷ methods for assessing student learning
- g. emerging technologies and their use in enhancing student learning.

Dispositions

The principal believes in, values, and commits to

- a. all children's learning at high levels,
- b. excellence and life-long learning,
- c. collaborative development of teaching strategies and curricular modifications that ground student learning in real-world situations and promote critical thinking, and
- d. developing a caring environment that nurtures teaching and learning.

Performances

The principal demonstrates the ability to

- a. recognize, model, and promote effective teaching strategies that enable students to apply what they learn to real world experiences;
- b. encourage and support both the use of innovative, research-based teaching strategies to engage students actively in solving complex problems and methods of student assessment which will enhance learning for all students;
- c. conduct frequent classroom visits and periodic observations, provide constructive feedback to faculty and staff, and suggest models of effective teaching techniques when needed;
- d. foster a caring, growth-oriented environment for faculty and students, one in which high expectations and high standards for student achievement are emphasized; and
- e. promote collaboration and team building among faculty.

Elaborated Standard: School Management

School Management: The principal promotes the success of all students by ensuring management of the organization, operations, and resources for a safe and orderly learning environment.

Knowledge and Skills

The principal has knowledge, skills, and understanding of

- a. organizational theory and principles of organizational development;
- b. human resources management and development, including related/support/ancillary services;
- c. local, state, and federal laws, policies, regulations, and procedures;
- d. sound fiscal procedures and practices;
- e. time management to maximize the effectiveness of the organization; and
- f. current technologies that support management functions.

Dispositions

The principal believes in, values, and commits to

- a. building a safe, orderly environment;
- b. upholding local, state, and federal laws, policies, regulations, and procedures, including being fiscally responsible and ensuring quality support services;
- c. upholding high standards in the day-to-day operations of the school and using current technology;
- d. making management decisions to enhance learning and teaching; and
- e. involving members of the school community⁸ in shared decision-making processes.

Performances

The principal demonstrates the ability to

- a. maintain a safe, secure, clean, and aesthetically pleasing physical school plant;
- b. establish and/or implement laws, policies, regulations, and procedures that promote effective school operations;
- c. maintain a positive school environment where good student discipline is the norm;
- d. manage fiscal resources responsibly, efficiently, and effectively and monitor whether others do so as well;
- e. manage human resources responsibly by selecting and inducting new personnel appropriately, assigning and evaluating all staff effectively, and taking other appropriate steps to build an effective school staff;
- f. monitor support services such as transportation, food, health, and extended care responsibly;
- g. provide and coordinate appropriate co-curricular and extra-curricular activities;
- h. use shared decision making effectively in the management of the school;
- i. manage time and delegate appropriate administrative tasks to maximize attainment of the school goals;
- j. use available technology effectively to manage school operations; and
- k. monitor and evaluate school operations and use feedback appropriately to enhance effectiveness.

Elaborated Standard: School Improvement

School Improvement: The principal works with the school community to review data from multiple sources to establish challenging standards, monitor progress, and foster the continuous growth of all students.

Knowledge and Skills

The principal has knowledge, skills, and understanding of

- a. methods by which information from various sources can be used to establish challenging standards for self, faculty, students, and the school;
- b. strategies for monitoring progress toward reaching the standards established;
- c. professional literature related to teaching, learning, curriculum, organizational and staff development, and change processes;
- d. the school culture, community expectations, and the strengths and weaknesses of self, faculty, students, and community; and
- e. methods of data collection, analysis, interpretation, and program evaluation.

Dispositions

The principal believes in, values, and commits to

- a. empowering others by engaging in collaborative problem solving and decision making, building capacity through staff development, and encouraging divergent perspectives from the school community;
- b. working toward consensus and compromise among members of the school community, guided by the school vision and goals;
- c. examining one's own assumptions, practices, and beliefs in the light of new knowledge;
- d. accepting limitations and mistakes from self and others while maintaining commitment to the standards established;
- e. encouraging faculty experimentation in order to maximize opportunities for all students to learn; and
- f. promoting a school culture that values and promotes individual and collaborative reflection and learning.

Performances

The principal demonstrates the ability to:

- a. provide ongoing opportunities for staff to reflect on their roles and practices in light of student standards and school goals;
- b. grow professionally by engaging in professional development activities and making such activities available to others;
- c. facilitate school-based research and use these and other research findings to plan school improvement initiatives, pace the implementation of these changes, and evaluate their impact on teaching and learning;
- d. foster the genuine continuous involvement and commitment of the school community in promoting the progress of all students toward attaining high standards; and
- e. enhance school effectiveness by appropriately integrating the processes of teacher selection/evaluation and professional development with school improvement.

Elaborated Standard: Professional Development

Professional Development: The principal works collaboratively with the school faculty and staff to plan and implement professional development activities that promote both individual and organizational growth and lead to improved teaching and learning.

Knowledge and Skills

The principal has knowledge, skills, and understanding of

- a. theories related to motivation, adult learning, and staff development;
- b. sound pedagogical practices and emerging technologies;
- c. current trends in terms of social, political and cultural influences on education;
- d. research, measurement, and assessment strategies;
- e. organizational learning for school cultures, goal setting, change processes, and group dynamics; and
- f. resource management.

Dispositions

The principal believes in, values, and commits to

- a. life long learning for self and others;
- b. ongoing change processes;

- c. faculty expertise and collaborative work strategies; and
- d. fostering creativity and establishing high expectations in self and others.

Performances

- The principal demonstrates the ability to
- a. communicate a focused vision for both school and individual professional growth;
 - b. use research and data from multiple sources to design and implement professional development activities;
 - c. secure the necessary resources for meaningful professional growth, including the time for planning and the use of emerging technologies;
 - d. provide opportunities for individual and collaborative professional development;
 - e. provide incentives for learning and growth and encourage participation in professional development activities at the national, state, and parish levels; and
 - f. assess the overall impact of professional development activities on the improvement of teaching and student learning.

Elaborated Standard: School-Community Relations

School-Community Relations: The principal uses an understanding of the culture of the community to create and sustain mutually supportive school-community relations.

Knowledge and Skills

- The principal has knowledge, skills, and understanding of
- a. the composition of the school community including relevant demographic statistics and trends, competing issues and values, and available resources;
 - b. successful strategies for establishing positive school-community relations and fostering parental and community participation;
 - c. techniques for promoting the positive aspects of the school and communicating with the media effectively; and
 - d. effective interpersonal communication skills.

Dispositions

- The principal believes in, values, and commits to
- a. establishing a partnership with the school's community for mutually supportive relationships;
 - b. promoting the school as an integral part of the community;
 - c. diversity as a strength; and
 - d. promoting the positive aspects of the school, celebrating successes, acknowledging the school's shortcomings, and involving the community in overcoming problems within the school.

Performances

- The principal demonstrates the ability to
- a. be visible and involved in the community and treat members of the school community equitably;
 - b. involve the school in the community while keeping the school community informed;
 - c. use school-community resources to enhance the quality of school programs, including those resources available through business and industry;
 - d. recognize and celebrate school successes publicly; and
 - e. communicate effectively both interpersonally and through the media.

Elaborated Standard: Professional Ethics

Professional Ethics: The principal demonstrates honesty, integrity, and fairness to guide school programs in an ethical manner.

Knowledge and Skills:

- The principal has knowledge, skills, and understanding of
- a. various perspectives on ethics;
 - b. his/her own principled convictions about what is best for students and the ethical implications of those convictions;
 - c. relevant laws, policies, regulations, and procedures and the relationship of these to protecting the rights of individuals; and
 - d. ethical means for improving school programs.

Dispositions

- The Principal believes in, values, and commits to
- a. being accurate in providing information while respecting the rights of others;
 - b. caring for the feelings of others;
 - c. principled action in upholding the substance of laws, policies, regulations, and procedures; and
 - d. using the influence of the principalship constructively and productively in the service of all students.

Performances

- The principal demonstrates the ability to:
- a. model ethical behavior at both the school and community levels;
 - b. communicate to others expectations of ethical behavior;
 - c. respect the rights and dignity of others;
 - d. provide accurate information without distortion or violating the rights of others;
 - e. develop a caring school environment in collaboration with the faculty and staff;
 - f. apply laws, policies, regulations, and procedures fairly, consistently, wisely, and compassionately;
 - g. minimize bias in self and others and accept responsibility for his/her own decisions and actions; and
 - h. address unethical behavior in self and others.

Appendix E

Louisiana Department of Education

Personnel Evaluation Glossary In order that consistency in terminology be maintained on a statewide basis, the LDE has established a list of terms and the definitions of each. Careful consideration of each should be given during the development of the LEA personnel evaluation programs. If additional terms are necessary in establishing a clear and concise understanding of evaluation procedures, they must be included in the LEA plan for personnel evaluation. The definitions below must be adopted by all LEAs.

Accountability Shared responsibility for actions relating to the education of children.

Administrator Any person whose employment requires professional certification issued under the rules of the board in *Bulletin 746*, or who is employed in a professional capacity other than a teacher.

Assessment The process by which the Louisiana Department of Education determines whether a new teacher who is seeking to retain or to acquire a regular teaching certificate can sufficiently demonstrate the Louisiana Components of Effective Teaching to qualify for the teaching credential being sought.

Assistance levelCthe number of times assistance has been prescribed.

Certified school personnelCthose persons whose positions require LDE certification.

CriteriaCdemonstrable levels of performance upon which a judgment or decision may be based.

Due ProcessCfair and impartial treatment as guaranteed under the law, including, but not limited to, the 1st, 5th, and 14th Amendments to the Constitution of the United States; Section 1983 of the Civil Rights Act of 1871; Title VII of the Civil Rights Act of 1964; and Title IX of the Educational Amendment of 1972, relative to substantive and procedural requirements.

DutiesCthose actions normally required of a position as assigned and/or described in the position description that are necessary to enable the class, school, or school district to accomplish its objectives.

Educational accountabilityCthe respective shared responsibilities and duties of the following groups: local school boards, administrators, principals, teachers, and other personnel; the LDE; parents and students; and other governing authorities as specified by the constitution and laws of the state.

EvaluateeCone who is evaluated.

EvaluationCthe process of making considered judgments concerning the professional accomplishments and competencies of a certified employee, as well as other professional personnel, based on a broad knowledge of the area of performance involved, the characteristics of the situation of the individual being evaluated, and the specific standards of performance pre-established for the position.

Evaluation PeriodCthe period of time during each school year during which the evaluation program will be conducted

EvaluatorCone who evaluates.

GoalCa statement of broad direction or intent which is general and timeless and which is not concerned with a particular achievement within a specified time period.

Instructional PersonnelCthose LEA personnel who provide classroom instruction (e.g., classroom teacher, special education teacher, special projects teacher).

Intensive Assistance PlanCthe plan that is implemented when experienced personnel do not meet the local school system's standards of performance through the personnel evaluation process. This plan specifies what the evaluatee needs to do to strengthen his/her performance, what assistance/support is provided by the local system, the timelines and procedures for monitoring the progress, and the action that will be taken if improvement is not demonstrated.

Job DescriptionCa statement of the position title, qualifications, supervisor, supervisory responsibilities, duties, job tasks, and standard performance criteria that specify the level of job skill required. (The *Louisiana Components of Effective Teaching* must be included for instructional personnel, and the *Standards for Principals* must be included for building-level administrators.) Space must be provided for signature and date.

LEAClocal educational agency, parish/city school board, local school system.

LEA Steering CommitteeCa local school district committee representing instructional, certified, and other

professional personnel to review the current personnel evaluation program.

LDECLouisiana Department of Education.

Multi-OpportunityCmore than one opportunity.

New TeacherCany full-time employee of a local board who is engaged to provide instruction directly and regularly to students in any elementary, secondary, or special education school setting; one who is not an administrator and who is employed for the first time in a public school in this state after August 1, 1994; one who holds a regular teaching certificate, which when issued was valid for three years; or one who is authorized under law or board regulation to teach temporarily while seeking a regular teaching certificate.

Non-Instructional Certified and Other Professional School PersonnelCthose LEA personnel who do not provide classroom instruction.

ObjectiveCa devised accomplishment that can be verified within a given time, under specifiable conditions, and by evidence of achievement.

ObservationCthe process of gathering facts, noting occurrences, and documenting evidence of performance.

Other professional school personnelCall school employees whose positions do not require a teaching certificate but do require a college degree and/or employees without a college degree who assume major management functions by directing, administering, or managing significant departments or divisions within the LEA.

Performance criteriaCgeneral and specific standards by which personnel may be evaluated and on which judgments and decision making may be based.

PhilosophyCa composite statement of the relationship between the individual and society based upon beliefs, concepts, and attitudes from which the goals and purposes of the district's mission are derived.

Professional Growth PlanCa written plan formulated by the satisfactorily-performing evaluatee to enhance his/her skills and performance. The plan includes specific goal(s), objective(s), action plans, timelines, and evaluation criteria.

Public SchoolsCpublic elementary and secondary schools governed by parish or city school boards and under the supervision of the State Board of Elementary and Secondary Education (SBESE).

School BoardCparish or city school board governing public elementary and secondary schools.

School DistrictCthe area of each parish or municipality under the jurisdiction of a local school board.

School PersonnelCteachers, librarians, counselors, administrators, and other professional personnel of the public schools of the state, including members of the professional staff of the LDE.

Self-EvaluationCthe process of making considered judgments of one's own performance concerning professional accomplishments and competencies as a certified employee or other professional person based upon personal knowledge of the area of performance involved, the characteristics of the given situation, and the specific standards for performance pre-established for the position; to be submitted by the evaluatee to the appropriate evaluator for use in the compilation of the individual's evaluation report.

Single Official Personnel FileCsingle personnel file maintained in the LEA central office. At minimum, the contents of the single official personnel file must include

- 1) documentation for the annual review or update of job descriptions and self-evaluations,
- 2) copies of completed observations and evaluations, and
- 3) completed professional growth plans or evidence to support the initiation and annual review of long term growth plans.

Staff DevelopmentCprocess designed for groups of LEA personnel with similarities guided by school/district goals and plans. It should encourage collective growth in a common direction and lead to an enhanced repertoire of skills/concepts.

StandardCthat which is set up and established by an authority or by mutual acceptance as a basis for the measure of quantity, value, or quality.

Standard of PerformanceCan authoritative or mutually established level of accomplishment.

TeacherCany full-time employee of a local board who is engaged to provide instruction directly and regularly to students in any elementary, secondary, or special education school setting including a librarian, an assessment teacher, a speech therapist, and a counselor; one who is not an administrator; and who has successfully completed the Teacher Assistance and Assessment Program or who is not required to participate in the Teacher Assistance and Assessment Program.

TriennialCoccurring every third year.

Uniform Evaluation SystemCa system of evaluation that applies the same procedures in a consistent manner to all employees of each type or class of certified employees, as well as other professional school personnel.

¹Iwanicki, E. F. (1992) A Handbook for Teacher Evaluation and Professional Growth in More Productive Schools. Storrs, CT: The Connecticut Institute for Personnel Evaluation, Department of Educational Leadership, The University of Connecticut

²From: Iwanicki, E.F. & Shibles, M. (1990). A Guide to the Process of Evaluating School Principals. P.O. Box 220, East Lyme, CT: The Connecticut Principals' Academy, p. 7.

³From: McCurdy, J. (1983). The Role of the Principal in Effective Schools: Problems & Solutions (an AASA Critical Issues Report). Arlington, VA: American Association of School Administrators, p. 89.

⁴School community - individuals who have interests in or are affected by events at the school, including administrators, faculty, staff, students, parents, and external community members, such as those associated with business, civic, and service organizations, etc.

⁵Preferred future - an understanding and conviction to teachers and students that opportunities available to students are not limited.

⁶powerful learning - learning that occurs when students are proactive in developing skills through intrinsically challenging activities that build both cognitive and affective skills, and that require both group work and individual effort (adapted from Levin, H. (1996). Accelerated Schools: The background (pp.3-23). In C. Finnan, E.P. St. John, J. McCarthy, and S.P. Slovacek (Eds.). Accelerated schools in action: Lessons from the field. Thousand Oaks, CA: Corwin)

⁷psychometrically sound - data that are valid and reliable; refers to data from tests and other forms of assessment.

⁸School community - individuals who have interests in or are affected by events at the school including administrators, faculty, staff, students, parents, and external community members, such as those associated with business, civic, and service organizations, etc.

Weegie Peabody
Executive Director

0108#022

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Commission Bylaws (LAC 28:V.113)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with §952 of the Administrative Procedure Act, has amended its governing bylaws.

Title 28

EDUCATION

Part V. Student Financial AssistanceC Higher Education Loan Program

Chapter 1. Student Financial Assistance Commission Bylaws

§113. Rights, Duties and Responsibilities of the Executive Staff of the Commission

A.1. - 2. ...

B. Executive Director

1. The executive director shall be the executive head and chief administrative officer of the Office of Student Financial Assistance. The executive director will be responsible to the commission for the conduct of the Office of Student Financial Assistance in all affairs and shall execute and enforce all of the decisions, orders, rules and regulations of the commission with respect to the conduct of the Office of Student Financial Assistance. The executive director shall be appointed by and shall hold office at the pleasure of the commission. The executive director's discretionary authority shall be broad enough to enable him/her to meet his/her responsibilities, in the day-to-day operations of the Office of Student Financial Assistance, and shall include, but not be limited to, the authority to authorize and execute purchase orders, requisitions, agreements, and contracts for supplies, equipment, subscriptions, borrower credit and tracing information, and other materials and information necessary to maintain such day-to-day operations, provided such authority shall extend only to small purchases authorized by R.S. 39:1596 and an executive order of the governor.

B.2 - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1265 (July 1998), LR 25: 654 (April 1999), LR 25:1091 (June 1999), LR 27:1218 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#013

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)
Early High School Graduation
(LAC 28:IV.301 and 703)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended the provisions of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

Title 28 EDUCATION

Part IV. Student Financial AssistanceC Higher Education Scholarship and Grant Programs

Chapter 3. Definitions

§301. Definitions

* * *

*High School Graduate*Cfor 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 of that year for the purpose of applying deadlines. 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 of that year.

* * *

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 26:1262 (June 2000), LR 26:1601 (July 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 27:36 (January 2001), LR 27:1219 (August 2001).

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

§703. Establishing Eligibility

A. - G.1.d. ...

2. A student 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 §301, not earlier than the first semester following the academic year (high school) in which the student graduated. A student who 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 actually 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 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 26:67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1998 (August 2000), LR 26:1996, (September 2000), LR 26:2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:174 (February 2001), LR 27:1219 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#011

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)
Scholarship/Grant Programs
(LAC 28:IV.703, 803, 903, 1103, 2113, and 2303)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant rules (R.S. 17:3021-3026, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

Title 28 EDUCATION

Part IV. Student Financial AssistanceC Higher Education Scholarship and Grant Programs Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. ...

1. Be a U. S. citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U. S. citizenship and who otherwise qualify for a TOPS award, will continue to satisfy the citizenship requirements for a TOPS award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS award will be suspended until such time as proof of citizenship is provided.

A.2. - A.5.c. ...

d.i. successfully complete at the twelfth grade level a home study program approved by BESE; or

ii. if ever was enrolled in a Louisiana public or nonpublic school approved by BESE, successfully completed at least the eleventh and twelfth grade levels of a home study program approved by BESE; and

iii. if having previously attended a Louisiana public high school, a Louisiana nonpublic high school, or an approved non-Louisiana high school, has provided LASFAC with certification by the previously attended high school that

said student was in good standing at the time the student last attended such school; and

A.6. - 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 by the Student Financial Assistance Commission, Office of Student Financial Assistance 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 26:67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1998 (August 2000), LR 26:1996, (September 2000), LR 26:2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:1219 (August 2001).

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. ...

1. be a U. S. citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U. S. citizenship and who otherwise qualify for a TOPS award, will continue to satisfy the citizenship requirements for a TOPS award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS award will be suspended until such time as proof of citizenship is provided.

A.2. - 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 26:67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001).

Chapter 9. TOPS-Teacher Award

§903. Establishing Eligibility

A. ...

1. be a U.S. citizen, provided however, that a student who is not a citizen of the United States but who is eligible to apply for such citizenship shall be deemed to satisfy the citizenship requirement, if within 60 days after the date the student attains the age of majority, the student applies to become a citizen of the United States and obtains such citizenship within one year after the date of the application for citizenship. Those students who are eligible for U. S. citizenship and who otherwise qualify for a TOPS award, will continue to satisfy the citizenship requirements for a TOPS award for one year after the date of the student's application for citizenship, at which time, if the student has not provided proof of U.S. citizenship to the Office of Student Financial Assistance, the student's TOPS award will be suspended until such time as proof of citizenship is provided.

A.2. - 9. ...

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 24:1906 (October 1998), LR 26:68 (January 2000), LR 26:2269 (October 2000), LR 27:284 (March 2001), LR 27:1220 (August 2001).

Chapter 11. Rockefeller State Wildlife Scholarship

§1103. Establishing Eligibility

To establish eligibility, the student applicant must meet all of the following criteria:

1. be a U.S. citizen or national or eligible noncitizen; and

2. ...

3. submit the completed Free Application for Federal Student Aid (FAFSA) or the Renewal FAFSA, whichever is applicable to the student, by final deadline set forth in §503.B.; and

4. - 9.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 24:639 (April 1998), amended LR 24:1908 (October 1998), LR 27:1220 (August 2001).

Chapter 21. Miscellaneous Provisions and Exceptions

§2113. Revision of the Core Curricula

A. LASFAC shall continually consult with BESE and the Louisiana Board of Regents to evaluate the adequacy of the TOPS core curricula to prepare students for postsecondary studies. Upon receipt of a written recommendation to change the core curriculum from BESE or the Louisiana Board of Regents, and to which the other board has concurred, LASFAC shall seek legislative amendment to effect the recommendation.

B. LASFAC is authorized by law to determine a high school level course to be equivalent to a course described in the core curricula or to authorize the name change of a core curricula course. Prior to initiating rule making to authorize a name change, LASFAC must seek the recommendation of BESE and the Louisiana Board of Regents. The determination of a course as equivalent to a course included in the definition of core curriculum shall be limited to those courses identified in the Secondary Programs of Study contained in the Louisiana Handbook for School Administrators (LDE Bulletin 741). Only those recommendations for a name change or for the designation of an equivalent course which have been submitted by a local school board or other equivalent education agency for private schools will be considered by LASFAC and such recommendations shall be submitted directly to the Office of Student Financial Assistance, Attention: Scholarship and Grant Division.

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 27:1220 (August 2001).

Chapter 23. Tuition Payment Program for Medical School Students

§2303. Establishing Eligibility

A. ...

1. be a U.S. Citizen; and

2. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3041.10-3041.15.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 25:1461 (August 1999) LR 25:2177 (November 1999), LR 26:2754 (December 2000), LR 27:1220 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#012

RULE

Tuition Trust Authority Office of Student Financial Assistance

Authority Bylaws (LAC 28:VI.209)

The Louisiana Tuition Trust Authority (LATTA), the statutory body created by R.S. 17:3091-3099.2 in compliance with §952 of the Administrative Procedure Act, has amended its governing bylaws.

Title 28

EDUCATION

Part VI. Tuition Trust Authority

Chapter 2. Bylaws

§209. Committees

A. - E. ...

F. Executive Committee

1. The executive committee shall consist of seven members.

2. - 3. ...

4. The remaining members, for a total of seven members, shall be appointed by the chairman of the authority from the other members of the authority.

5. The executive committee shall consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority.

6. However, the authority may not delegate to the executive committee the final determination of the rate of interest to be paid on education savings accounts of record at the close of the calendar year.

7. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

8. The executive committee shall also approve all budget adjustments prior to submission to the appropriate authority.

9. In the event that an emergency requiring immediate authority action shall arise between authority meetings, it shall be the duty of the executive committee to meet in emergency session to take such action as may be necessary and appropriate.

10. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

G. - K.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, IR 23:1656 (December 1997), amended LR 27:190 (February 2001), LR 27:1221 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#016

RULE

Tuition Trust Authority Office of Student Financial Assistance

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.315)

The Louisiana Tuition Trust Authority (LATTA) has amended rules of the Student Tuition and Revenue Trust (START Savings) Program (R.S. 3091-3099.2).

Title 28

EDUCATION

Part VI. Student Financial AssistanceC Higher

Education Savings

Title 28

EDUCATION

Part IV. Student Financial AssistanceC Higher

Education Scholarship and Grant Programs

Chapter 3. Education Savings Account

§315. Miscellaneous Provisions

A. - C.2. ...

3. For the year ending December 31, 2000, the Louisiana Education Tuition and Savings Fund earned an interest rate of 6.51 percent.

4. For the year ending December 31, 2000, the Tuition Assistance Grant (TAGs) Fund earned an interest rate of 6.83 percent.

D. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance LR 26:2267 (October 2000), amended LR 27:1221 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#015

RULE

Tuition Trust Authority Office of Student Financial Assistance

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI. 107 and 307)

The Louisiana Tuition Trust Authority (LATTA) has amended rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091-3099.2) to clarify restrictions on the allocation of tuition assistance grants (TAGS).

**Title 28
EDUCATION**

**Part VI. Student Financial AssistanceC Higher
Education Savings**

Chapter 1. General Provisions

Subchapter A. Student Tuition Trust Authority

§107. Applicable Definitions

* * *

Fully Funded Account Can account having a balance, including contributions, earnings on contributions, TAGs and interest accrued thereon, which is equal to or greater than five times the annual *tuition* at the highest cost Louisiana public college or university as annually determined by the administering agency prior to the beneficiary's scheduled date of first enrollment. Once *fully funded*, an account continues to be *fully funded* if disbursements, refunds, or both reduce the amount of the balance below that of a *fully funded account*.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001).

Chapter 3. Education Savings Account

§307. Allocation of Tuition Assistance Grants

A. - E.2. ...

3. are not fully funded accounts; and

E.4. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:1263 (June 2000), LR 26:2263 (October 2000), LR 27:37 (January 2001) LR 27:1222 (August 2001).

Mark S. Riley
Assistant Executive Director

0108#014

RULE

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

Asbestos-Containing Materials in Schools and State
Buildings (LAC 33:III.2707 and 2721)(AQ216)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended Air Quality regulations LAC 33:III.2707 and 2721 (Log #AQ216).

LAC 33:III.2707.B.1 requires local education agencies and state governments to conduct reinspections of all friable and nonfriable known or assumed asbestos-containing building material in each building that they lease, own, or otherwise use at least every three years after a management

plan is in effect. The federal rule, which forms the basis for this rule, only requires management plans and reinspections in primary and secondary schools. The revision to the rule removes that requirement of reinspection in state buildings saving the state 6-7.5 million dollars every three years. The rule will continue to require initial inspections by accredited inspectors, 6-month surveillance inspections by properly trained personnel, and management plans in state buildings. The basis and rationale for this rule are to make Louisiana's regulations equivalent to federal regulations with regard to asbestos reinspections in state buildings saving the state 6-7.5 million dollars every three years.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

**Chapter 27. Asbestos-Containing Materials in Schools
and State Buildings Regulation**

§2707. Inspection and Reinspections

* * *

[See Prior Text in A - A.4.f.v]

B. Reinspection

1. At least once every three years after a management plan is in effect, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each building that they lease, own, or otherwise use:

a. review previous inspection data in the management plan and compare to existing school conditions and correct for any changes;

* * *

[See Prior Text in B.1.b - 2]

3. For each area of a school, each person performing a reinspection shall:

* * *

[See Prior Text in B.3.a - d]

e. visually inspect, sample, analyze, and assess the conditions of building materials that have been added to the school since the last inspection or reinspection;

* * *

[See Prior Text in B.3.f - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001).

§2721. Training and Periodic Surveillance

* * *

[See Prior Text in A - B.2.b]

c. submit to the person designated to carry out general local education agency or state government responsibilities under LAC 33:III.2705 a copy of such record for inclusion in the management plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by

the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1222 (August 2001).

James H. Brent, Ph.D.
Assistant Secretary

0108#066

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Incorporation by Reference 40 CFR Part 51
(LAC 33:III.2156, 2157, 2158, 2159, and 2160)(AQ213)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality regulations, LAC 33:III.2156, 2157, 2158, 2159, and 2160 (Log #AQ213).

The department is adopting by reference 40 CFR Part 51, Appendix M to alleviate word processing/printing problems that have occurred as a result of the numerous graphics which appear in the text of the regulations. Adopting the federal regulations by reference will ensure that Louisiana's regulations are identical to the federal regulations and have not been corrupted by computer problems. These federal regulations currently exist in the Air Quality regulations. This Rule will simply remove the federal language from LAC 33:III.Chapter 21, Subchapter N and replace it with a reference to the federal regulations in 40 CFR Part 51, Appendix M. Any existing non-federal language has been retained and renumbered. Additional sections of Chapter 21 have been added to the final Rule to correct citations referencing text being deleted and incorporated by reference. The basis and rationale for this Rule are to ensure that Louisiana's regulations are identical to federal regulations by incorporating by reference into the Air Quality regulations (LAC 33:III) the latest version of the federal regulations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S.49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This 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 N. Method 43C Capture Efficiency Test Procedures

§2156. Definitions

For purposes of this regulation, the following definitions and abbreviations apply:

BE—a building or room enclosure that contains a process that emits VOC. If a BE is to serve as a PTE or TTE,

the appropriate requirements given in 40 CFR, part 51, appendix M, method 204, section 3.4 must be met.

[See Prior Text]

PTE—a permanent total enclosure, which contains a process that emits VOC and meets the specifications given in 40 CFR, part 51, appendix M, method 204, section 6.

TTE—a temporary total enclosure which is built around a process that emits VOC and meets the specifications given in 40 CFR, part 51, appendix M, method 204, section 5.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1679 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1223 (August 2001).

§2157. Applicability

[See Prior Text in A]

B. If a source installs a PTE that meets the requirements in 40 CFR, part 51, appendix M, method 204, and which directs all VOC to a control device, the capture efficiency is assumed to be 100 percent, and the source is exempted from the requirements described in LAC 33:III.2158. This does not exempt a source from performance of any control device efficiency testing required under these or any other regulations. In addition, a source must demonstrate all criteria for a PTE are met during the testing for control efficiency.

[See Prior Text in C - C.1.b]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1679 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1223 (August 2001).

§2158. Specific Requirements

[See Prior Text in A - C]

1. Gas/Gas Method Using TTE. The specifications to determine whether a temporary enclosure is considered a

$$CE = \frac{G_w}{(G_w + F_w)}$$

TTE are given in 40 CFR, part 51, appendix M, method 204, section 5. The capture efficiency equation to be used for this protocol is:

where:

CE = capture efficiency, decimal fraction.

Gw = mass of VOC captured and delivered to control device using a TTE.

Fw = mass of fugitive VOC that escapes from a TTE.

40 CFR, part 51, appendix M, method 204C, section 9 is used to obtain Gw. 40 CFR, part 51, appendix M, method 204D, section 9 is used to obtain Fw.

2. Liquid/Gas Method Using TTE. The specifications to determine whether a temporary enclosure is considered a

TTE are given in 40 CFR, part 51, appendix M, method 204, section 5. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{(L - F)}{L}$$

where:

CE = capture efficiency, decimal fraction.

L = mass of liquid VOC input to process.

F = mass of fugitive VOC that escapes from a TTE.

40 CFR, part 51, appendix M, method 204, section A.10 is used to obtain L. 40 CFR, part 51, appendix M, method 204D, section 9 is used to obtain F.

3. Gas/Gas Method Using the Building or Room (BE) in which the Affected Source is Located as the Enclosure and in which G and F are Measured while Operating only the Affected Facility. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

CE = capture efficiency, decimal fraction.

G = mass of VOC captured and delivered to a control device.

F_B = mass of fugitive VOC that escapes from building enclosure.

40 CFR, part 51, appendix M, method 204C, section 9 is used to obtain G. 40 CFR, part 51, appendix M, method 204E, section 9 is used to obtain F_B.

4. Liquid/Gas Method Using the Building or Room (BE) in which the Affected Source is Located as the Enclosure and in which L and F are Measured while Operating only the Affected Facility. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{(L - F_B)}{L}$$

where:

CE = capture efficiency, decimal fraction.

L = mass of liquid VOC input to process.

F_B = mass of fugitive VOC that escapes from building enclosure.

40 CFR, part 51, appendix M, method 204, section A.10 is used to obtain L. 40 CFR, part 51, appendix M, method 204E, section 9 is used to obtain F_B.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1679 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1223 (August 2001).

§2159. Recordkeeping and Reporting

* * *

[See Prior Text in A-C]

D. A source utilizing a PTE must demonstrate that this enclosure meets the requirement given in 40 CFR, part 51, appendix M, method 204 for a PTE during any testing of a control device.

E. A source utilizing a TTE must demonstrate that its TTE meets the requirements given in 40 CFR, part 51, appendix M, method 204 for a TTE during testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001).

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR part 51, appendix M, as amended July 1, 2000, are hereby incorporated by reference.

B. The volumes containing those federal regulations listed in Subsection A of this Section may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

C. Modifications and Exceptions. The following modifications and exceptions are made to the incorporated federal standards.

1. Method 204C, Section 8.2.3.1. A sampling point shall be centrally located outside of the temporary total enclosure (TTE) at four equivalent diameters from each natural draft opening (NDO), if possible.

2. Other NDOs

a. This step is optional. Determine the exhaust flow rate, including that of the control device, from the enclosure and the intake air flow rate. If the exhaust flow rate divided by the intake air flow rate is greater than 1.1, then all other NDOs are not considered to be significant exhaust points.

b. If the option above is not taken, identify all other NDOs and other potential points through which fugitive emissions may escape the enclosure. Then use the following criteria to determine whether flow rates and VOC concentrations need to be measured:

i. using the appropriate flow direction indicator, determine the flow direction. An NDO with zero or inward flow is not an exhaust point;

ii. measure the outward volumetric flow rate from the remainder of the NDOs. If the collective flow rate is 2 percent, or less, of the flow rate from 40 CFR part 51, appendix M, method 204E, section 8.1.1, then these NDOs, except those within two equivalent diameters (based on NDO opening) from VOC sources, may be considered to be nonexhaust points;

iii. if the percentage calculated in Subsection C.2.b.ii of this Section is greater than 2 percent, those NDOs (except those within two equivalent diameters from VOC sources) whose volumetric flow rate totals 2 percent of the flow rate from 40 CFR part 51, appendix M, method 204E, section 8.1.1 may be considered as nonexhaust points. All remaining NDOs shall be measured for volumetric flow rate and VOC concentrations during the capture efficiency (CE) test;

iv. the tester may choose to measure VOC concentrations at the forced exhaust points and the NDOs. If the total VOC emissions from the NDOs are less than 2

percent of the emissions from the forced draft and roof NDOs, then these NDOs may be eliminated from further consideration.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001).

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Assistant Secretary

0108#065

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

NRC Radiography Requirements and Minor Corrections
(LAC 33:XV.Chapters 1, 3, 4, 5, 6, 7, 13, and 15)(RP027*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.Chapters 1, 3, 4, 5, 6, 7, 13, and 15 (Log #RP027*).

This Rule is identical to federal regulations found in 62 FR 28948, 5/28/97; 63 FR 37059, 7/9/98; 10 CFR 30.71.Schedule A and B, 34.3, 34.21, 34.23(b), 34.35(a), 34.31(a) and (b)(1), 34.41, 34.47(a)(3), 34.71, and 71.5(b), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 765-0399 or Box 82178, Baton Rouge, LA 70884-2178

This Rule package consists of amendments affecting licenses for industrial radiography and radiation safety requirements for industrial radiographic operations. Added language includes procedures for exposure devices containing depleted uranium (DU) shielding, personnel monitoring control language to include electronic personal dosimeters, and new definitions to comply with current federal language. Amendments to various recordkeeping policies include the addition of records at temporary job sites and applicable field stations, the addition of records pertaining to the safety and training of radiographers and radiographer trainees, and changing some recordkeeping requirements from two years to three years. Also included in multiple chapters are additions of safety provisions and minor corrections to citations. To comply with current federal regulations the Appendices in Chapter 3 have been renamed as follows: Appendices A and B will be renamed Schedules A and B, respectively; Appendices C, D, and E will be renamed Appendices A, B, and C, respectively. The overall impact of this Rule will be a streamlining of industrial radiographic operations through the addition and modification of various safety and recordkeeping requirements. As a Nuclear Regulatory Commission Agreement State, in accordance with the NRC Agreement signed on May 1, 1967, Louisiana has accepted the

responsibility for promulgating regulations that satisfy the compatibility requirement of Section 274 of the Atomic Energy Act of 1954, as amended. In certain areas defined by the NRC, state regulations must be the same as NRC regulations. The extent to which the regulation must be identical, whether in content or in effect, is determined by the NRC. All amendments in this package are consequently mandated by the NRC, to comply with recent NRC regulation changes. The basis and rationale for these amendments are to achieve compatibility with the regulations of the Nuclear Regulatory Commission in accordance with Section 274 of the Atomic Energy Act of 1954, as amended.

This Rule meets an exception listed in R.S.30:2019(D)(2) and R.S.49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY Part XV. Radiation Protection

Chapter 1. General Provisions

§101. Scope

* * *

[See Prior Text in A]

B. Attention is directed to the fact that state regulation of source material, by-product material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission and to parts 40 and 150 of the U.S. Nuclear Regulatory Commission's regulations (10 CFR parts 40 and 150).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1225 (August 2001).

§116. Public Participation in Licensing Actions

* * *

[See Prior Text in A-A.2]

3. Determination of Fact-Finding Hearing Necessity. Comments from the public and involved local, parish, and state agencies will be reviewed. Any person, within 20 days of date of publication of the legal notice specified in Subsection A.2 of this Section, may request the administrative authority to call for a fact-finding hearing. The administrative authority will determine the necessity for a fact-finding hearing based on comments received and other available information. The request for the hearing must be in writing and shall contain the following information:

* * *

[See Prior Text in A.3.a-4.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2565 (November 2000), LR 27:1225 (August 2001).

Chapter 3. Licensing of Radioactive Material
Subchapter A. Exemptions

§303. Source Material

A. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is, by weight, less than 0.05 percent of the mixture, compound, solution, or alloy.

* * *

[See Prior Text in B-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1226 (August 2001).

§304. Radioactive Material Other Than Source Material

A. Exempt Concentrations

1. Except as provided in Subsection A.2 of this Section, any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in Schedule A of this Chapter.

* * *

[See Prior Text in A.2]

B. Exempt Quantities

1. Except as provided in Subsection B.3 and 4 of this Section, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities, none of which exceeds the applicable quantity set forth in Schedule B of this Chapter.

* * *

[See Prior Text in B.2-3]

4. No person may, for purposes of commercial distribution, transfer radioactive material in excess of the individual quantities set forth in Schedule B of this Chapter knowing, or having reason to believe, that such quantities of radioactive material will be transferred to persons exempt under Subsection B of this Section or equivalent regulations of the U.S. Nuclear Regulatory Commission or any other agreement state, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 32.18 or by the administrative authority in accordance with LAC 33:XV.328.B, which license states that the radioactive material may be transferred by the licensee to persons exempt under Subsection B of this Section or the equivalent regulations of the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state. Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing by-product material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * *

[See Prior Text in C-C.1.h]

i. each source contains no more than one exempt quantity set forth in Schedule B of this Chapter;

ii. each instrument contains no more than 10 exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of radionuclides, and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Schedule B of this Chapter, provided that the sum of such fractions shall not exceed unity; and

iii. for purposes of this Section, 0.05 microcurie of americium-241 is considered an exempt quantity under Schedule B of this Chapter.

* * *

[See Prior Text in C.2-5.d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2091 (November 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1226 (August 2001).

§322. General Licenses: Radioactive Material Other Than Source Material

* * *

[See Prior Text in A-D.3.h.ii]

i. comply with the provisions of LAC 33:XV.485 and 486 for reporting radiation incidents, theft, or loss of licensed material. Such person shall be exempt from the other requirements of Chapters 4 and 10 of these regulations.

* * *

[See Prior Text in D.4-E.1.b]

2. Persons who own, receive, acquire, possess, or use luminous safety devices in accordance with the general license in LAC 33:XV.322.E.1 are exempt from the requirements of Chapters 4 and 10 of these regulations, except that they shall comply with the provisions of LAC 33:XV.485 and 486.

* * *

[See Prior Text in E.3-I.4]

5. Any person using radioactive material in accordance with the general license of Subsection I.1 of this Section is exempt from the requirements of Chapters 4 and 10 of these regulations with respect to radioactive material covered by that general license, except that such persons using the mock iodine-125 described in Subsection I.1 of this Section shall comply with the provisions of LAC 33:XV.431, 485, and 486.

* * *

[See Prior Text in J-J.2.b]

c. are exempt from the requirements of LAC 33:XV.Chapters 4 and 10, except that such persons shall comply with the provisions of LAC 33:XV.431, 485, and 486.

* * *

[See Prior Text in J.3-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001).

Subchapter D. Specific Licenses

§324. Filing Application for Specific Licenses

* * *

[See Prior Text in A - G]

H. Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in Appendix C (Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release) must contain either:

* * *

[See Prior Text in H.1 - I.2]

3. the release fraction in the respirable size range would be lower than the release fraction shown in Appendix C due to the chemical or physical form of the material;

* * *

[See Prior Text in I.4]

5. facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in Appendix C;

6. operating restrictions or procedures would prevent a release fraction as large as that shown in Appendix C; or

* * *

[See Prior Text in I.7 - K.Note¹]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 20:179 (February 1994), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1227 (August 2001).

§325. General Requirements for the Issuance of Specific Licenses

* * *

[See Prior Text in A-C.5.a]

b. persons authorized to possess no more than 1,000 times the quantity specified in Schedule B of this Chapter or combination of radioactive material listed therein as given in Schedule B, Note 1, of this Chapter;

* * *

[See Prior Text in C.5.c-D]

1. Each applicant for a specific license authorizing the possession and use of unsealed by-product material of half-life greater than 120 days and in quantities exceeding 10⁵ times the applicable quantities set forth in Schedule B of this Chapter shall submit a decommissioning funding plan as described in Subsection D.5 of this Section. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10⁵ is greater than one (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix A of this Chapter.

* * *

[See Prior Text in D.2-3.b]

c. Each holder of a specific license issued before the effective date of these regulations and of a type described in Subsection D.2 of this Section shall submit, on or before July 20, 1992, a certification of financial assurance for decommissioning, or a decommissioning funding plan, as described in Subsection D.5 of this Section, in accordance with the criteria set forth in this Section.

* * *

[See Prior Text in D.3.d]

4. The following table lists required amounts of financial assurance for decommissioning by quantity of material.

a. Greater than 10 ⁴ but less than or equal to 10 ⁵ times the applicable quantities of Schedule B of this Chapter in unsealed form. (For a combination of isotopes, if R, as defined in Subsection D.1 of this Section, divided by 10 ⁴ is greater than 1 but R divided by 10 ⁵ is less than or equal to 1.)	\$750,000
b. Greater than 10 ³ but less than or equal to 10 ⁴ times the applicable quantities of Schedule B of this Chapter in unsealed form. (For a combination of isotopes, if R, as defined in Subsection D.1 of this Section, divided by 10 ³ is greater than 1 but R divided by 10 ⁴ is less than or equal to 1.)	\$150,000
c. Greater than 10 ¹⁰ times the applicable quantities of Schedule B of this Chapter in sealed Sources or plated foils. (For a combination of isotopes, if R, as defined in Subsection D.1 of this Section, divided by 10 ¹⁰ is greater than 1.)	\$75,000

* * *

[See Prior Text in D.5 - D.6.a]

b. Financial Assurance Method, Insurance, or Other Guarantee Method. These methods guarantee that decommissioning costs will be paid should the licensee default. A financial assurance method may be in the form of a financial assurance bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in Appendix B of this Chapter. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this Section. Any financial assurance method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

* * *

[See Prior Text in D.6.b.i - 7.d.iv]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 23:1140 (September 1997), amended LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1018 (May 2000), LR 26:2568 (November 2000), LR 27:1227 (August 2001).

§326. Special Requirements for Issuance of Certain Specific Licenses for Radioactive Material

[See Prior Text in A-E.1.b]

c. The applicant will have an adequate internal inspection system, or other management control, to ensure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants; the inspection system shall include the performance of internal inspections not to exceed three months and the retention of records of such inspections for three consecutive years.

[See Prior Text in E.1.d]

e. The applicant who desires to conduct his or her own leak tests of sealed sources or exposure devices containing depleted uranium (DU) shielding has established adequate procedures to be followed in testing for possible leakage and contamination and submits to the Office of Environmental Services, Permits Division a description of such procedures including:

[See Prior Text in E.1.e.i-f]

g. The applicant submits procedures for verifying and documenting the certification status of radiographers and for ensuring that the certification of individuals as radiographers remains valid.

h. The applicant submits the qualifications of the individual(s) designated as the radiation safety officer (RSO) as described in LAC 33:XV.575.E.

i. The applicant who intends to perform calibrations of survey instruments and/or alarming ratemeters must describe methods to be used and the experience of the person(s) who will perform the calibrations. All calibrations must be performed according to the procedures described and at the intervals prescribed in LAC 33:XV.543 and 577.

j. The applicant identifies and describes the location(s) of all field stations and permanent radiographic installations.

k. The applicant identifies the locations where all records required by these regulations will be maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 27:1228 (August 2001).

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

[See Prior Text in A.1.a]

b. the applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Schedule A of this Chapter, that reconcentration of the radioactive material in concentrations exceeding those in Schedule A is not

likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

[See Prior Text in A.2-M.4.g]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001).

§351. Financial Assurance Arrangements

[See Prior Text in A – D.2]

3. all others except licensees exempt in accordance with LAC 33:XV.Chapter 3, Appendix A; and

[See Prior Text in D.4 – E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2573 (November 2000), LR 27:1228 (August 2001).

Schedule A Exempt Concentrations (See notes at end of Schedule A)			
Element (atomic number)	Isotope	Column I Gas Concentrations (mCi/ml) ¹	Column II Liquid and Solid Concentration (mCi/ml) ²

[See Prior Text in Current Appendix A, Antimony (51)– Erbium (68).Er-171]			
Europium (63)	Eu-152 (T/2=9.2 hrs)		6 x 10 ⁻⁴
	Eu-155		2 x 10 ⁻³

[See Prior Text in Current Appendix A, Fluorine (9)- Beta- and/or gamma-emitting radioactive material not listed above with half-life less than 3 years.]			

Footnotes to Schedule A

¹ Values are given only for those materials normally used as gases.

² μCi/gm for solids.

Note 1. Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule A, the activity stated is that of the parent isotope and takes into account the daughters.

Note 2. For purposes of LAC 33:XV.304, where there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the

radioactivity concentration present in the product and the exempt radioactivity concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} = 1$$

* * *

[See Prior Text in Current Appendix A, Notes 3-4]

Schedule B	
By-Product Material	Microcuries
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	100
Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2 h (Eu 152 9.2 h)	100
Europium 152 13 yr (Eu 152 13 yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 72 (Ga 72)	10

Germanium 71 (Ga 71)	100
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H3)	1,000
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0,1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorus 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Polonium 210 (Po 210)	0,1
Potassium 42 (K 42)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100

Rhodium 105 (Rh 105)	100
Rubidium 86 (Rb86)	10
Rubidium 87 (Rb87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulphur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125 m (Te 125 m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10

Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 90 (Y 90)	10
Yttrium 91 (Y91)	10
Yttrium 92 (Y92)	100
Yttrium 93 (Y93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any by-product material not listed above other than alpha-emitting by-product materials	0.1

Appendix A Financial Assurance Arrangements Recommended Amounts for Mitigation, Liability, and Decommissioning			
By Title	Clean up	Third Party and/or Off-Site Damages	Decommissioning
A. Licensees 1. Manufacturing & Distribution 2. Radiography 3. Gauges 4. Well Logging 5. Nuclear Medicine 6. Rad. Therp. 7. Acad. 8. R & D 9. Instru. Calib. 10. Irradiators 11. Ind. other than gauges 12. Consultants 13. General Lic. 14. Others not listed in category A	As determined by the chosen method	As determined by the chosen method	For Category A as a whole by quantity of material (Q): 1. $Q > 10^{10}$ x Schedule B, Chapter 3, as sealed sources = \$75,000. 2. $(10^4 \times \text{Schedule B, Chapter 3, unsealed sources}) = Q > (10^3 \times \text{Schedule B, Chapter 3, unsealed sources})$, or 10-100 mCi source materials, dispersible form = \$150,000. 3. $(10^5 \times \text{Schedule B, Chapter 3, unsealed sources}) = Q > (10^4 \times \text{Schedule B, Chapter 3, unsealed sources}) = \$750,000.$

<p>B. Low Quantity</p> <ol style="list-style-type: none"> 1. In Vitro 2. Gas Chromatograph 3. Greater than or Equal to 100 x to 1000 x Exempt Quantity 4. Unsealed, discrete alpha emitters, 10µCi total 5. Check sources of sufficient quantity to require leak testing 	<p>As determined by the chosen method</p>	<p>As determined by the chosen method</p>	<p>NA for this category.</p>
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Chapter 4. Standards for Protection Against Radiation

Subchapter G. Precautionary Procedures

§453. Labeling Containers and Radiation Machines

A. The licensee or registrant shall ensure that each container of licensed or registered source of radiation bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL, NOTIFY CIVIL AUTHORITIES [or 'NAME OF COMPANY']" or "DANGER, RADIOACTIVE MATERIAL, NOTIFY CIVIL AUTHORITIES [or 'NAME OF COMPANY']." The label shall also provide information such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment, to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

* * *

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1231 (August 2001).

Subchapter J. Reports

§487. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Constraints or Limits

* * *

[See Prior Text in A-B.1.b]

c. the cause of the elevated exposures, dose rates, or concentrations;

d. corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license or registration conditions; and

e. information required by LAC 33:XV.547.E if the overexposure involves failure of safety components of radiography equipment.

* * *

[See Prior Text in B.2-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), LR 26:2771 (December 2000), LR 27:1231 (August 2001).

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

§503. Definitions

As used in this Chapter, the following definitions apply:

Annual Refresher Safety Training Ca review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, and accidents or errors that have been observed, and should also provide opportunities for employees to ask safety questions.

Associated Equipment Equipment that is used in conjunction with a radiographic exposure device to make radiographic exposures, that drives, guides, or comes in contact with the source [e.g., guide tube, control tube, control (drive) cable, removable source stop, "J" tube, and collimator when it is used as an exposure head].

* * *

[See Prior Text]

Certifying Entity Can independent certifying organization meeting the requirements in 10 CFR 34 appendix A, or an agreement state meeting the requirements in 10 CFR 34 appendix A, parts II and III.

* * *

[See Prior Text]

Control (Drive) Cable Cthe cable that is connected to the source assembly and used to drive the source to and from the exposure location.

Control Drive Mechanism Ca device that enables the source assembly to be moved to and from the exposure device.

Control Tube Ca protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

* * *

[See Prior Text]

Exposure Head Ca device that locates the gamma radiography sealed source in the selected working position. (An exposure head is also known as a source stop.)

Field Station Ca facility where licensed material may be stored or used and from which equipment is dispatched.

Guide Tube (Projection Sheath) Ca flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the

connections necessary for attachment to the exposure device and to the exposure head.

Hands-On Experience Experience in all of those areas considered to be directly involved in the radiography process.

Independent Certifying Organization Can independent organization that meets all of the criteria of Appendix A of this Chapter.

* * *

[See Prior Text]

Lay-Barge Radiography Industrial radiography performed on any water vessel used for laying pipe.

* * *

[See Prior Text]

Offshore Platform Radiography Industrial radiography conducted from a platform over a body of water.

* * *

[See Prior Text]

Practical Examination Ca demonstration through practical application of the safety rules and principles in industrial radiography, including use of all appropriate equipment and procedures.

Radiation Safety Officer for Industrial Radiography Can individual with the responsibility for the overall radiation safety program on behalf of the licensee and who meets the requirements of LAC 33:XV.573.E.

* * *

[See Prior Text]

Radiographic Exposure Device Can x-ray tube or any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

Radiographic Operations Call activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport), to include surveys to confirm the adequacy of boundaries, setting up equipment, and any activity inside restricted area boundaries.

* * *

[See Prior Text]

S-Tube Ca tube through which the radioactive source travels when inside a radiographic exposure device.

* * *

[See Prior Text]

Source Assembly Can assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

* * *

[See Prior Text]

Underwater Radiography Industrial radiography performed when the radiographic exposure device and/or related equipment are beneath the surface of the water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office Louisiana Register Vol. 27, No. 08 August 20, 2001

of Environmental Assessment, Environmental Planning Division, LR 26:2581 (November 2000), LR 26:2772 (December 2000), LR 27:1231 (August 2001).

§505. Form of Records

A. Each record required by this Chapter must be legible throughout the specified retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, must include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001).

§506-539. Reserved

Subchapter A. Equipment Control

§540. Limits on Levels of Radiation for Radiographic Source Changers and Storage Containers

A. The maximum exposure rate limits for storage containers and source changers are 2 millisieverts (200 millirem) per hour at any exterior surface and 0.1 millisieverts (10 millirem) per hour at 1 meter from any exterior surface with the sealed source in the shielded position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001).

§541. Locking of Sources of Radiation

A. The maximum exposure rate limits for storage containers and source changers are 2 millisieverts (200 millirem) per hour at any exterior surface and 0.1 millisieverts (10 millirem) per hour at 1 meter from any exterior surface with the sealed source in the shielded position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001).

§542. Storage and Transportation Precautions

A. Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be physically secured to prevent tampering or removal by unauthorized personnel. The licensee shall store radioactive material in a manner that will minimize danger from explosion or fire.

B. The licensee may not use a source changer or a container to store radioactive material unless the source changer or container has securely attached to it a durable,

legible, and clearly visible label as specified in LAC 33:XV.453. Radiographic exposure devices, source changers, or transport containers that contain radioactive material shall not be stored in residential locations. This requirement does not apply to storage of radioactive material in a vehicle in transit for use at temporary job sites, if the licensee complies with Subsection C of this Section, and if the vehicle does not constitute a permanent storage location as described in Subsection D of this Section.

C. If a vehicle is to be used for storage of radioactive material, a vehicle survey shall be performed after securing radioactive material in the vehicle and before transport to ensure that radiation levels do not exceed the limits specified in LAC 33:XV.421.A at the exterior surface of the vehicle.

1. The licensee shall lock and physically secure the transport package containing licensed material in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

2. The licensee may not transport licensed material unless the material is packaged and the package is labeled, marked, and accompanied by appropriate shipping papers in accordance with LAC 33:XV.Chapter 15.

* * *

[See Prior Text in D-D.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001).

§543. Radiation Survey Instruments

A. The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each location where radioactive material is present to make physical radiation surveys as required by this Chapter and LAC 33:XV.430. Instrumentation required by this Section shall have a range such that 0.02 millisieverts (2 millirems) per hour through 0.01 sievert (1 rem) per hour can be measured.

* * *

[See Prior Text in B-B.2]

3. at two points located approximately **a** and **b** of full-scale on each scale for linear scale instruments; at midrange of each decade, and at two points of at least one decade for logarithmic scale instruments; and at three points between 0.02 and 10 millisieverts (2 and 1000 millirems) per hour for digital instruments.

C. Records of these calibrations shall be maintained for three years after the calibration date for inspection by the department.

D. Each radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is operating properly. Records of the checks shall be maintained for three years. If equipment problems are found, the equipment must be removed from service until repaired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2581 (November 2000), LR 27:1233 (August 2001).

§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources

* * *

[See Prior Text in A-B]

C. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure which has been approved in accordance with LAC 33:XV.326.E.1.e. Records of leak test results shall be kept in units of microcuries (becquerels) and maintained for inspection by the department for three years.

* * *

[See Prior Text in D-E]

F. Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed 12 months. The analysis must be capable of detecting the presence of 0.005 microcuries (185 Bq) of radioactive material on the test sample and must be performed by a person specifically authorized by the administrative authority, U.S. Nuclear Regulatory Commission, or any other agreement state to perform the analysis. Should such testing reveal the presence of 0.005 microcuries (185 Bq) or more of removable DU contamination, the exposure device must be removed from use until an evaluation of the wear on the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device may not be used again. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. Before using or transferring such a device, however, the device must be tested for DU contamination if the interval of storage exceeded 12 months. A record of the DU leak test must be made in accordance with Subsection C of this Section.

G. Each licensee or registrant shall maintain records showing the receipts and transfers of sealed sources and devices using DU for shielding and retain each record for inspection by the department for three years. These records must include the date, the name of the individual making the record, radionuclide, number of becquerels (curies) or mass (for DU), and manufacturer, model, and serial number of each source of radiation and/or device, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001).

§545. Quarterly Inventory

A. Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and licensed devices received or possessed under his or her license,

including devices containing depleted uranium. The records of the inventories shall be maintained for inspection by the department for at least three consecutive years from the date of the inventory and shall include the quantities and kinds of radioactive material, the location of sealed sources and/or devices, the date of the inventory, the name of individual(s) performing the inventory, the manufacturer, the model number, and the serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001).

§546. Utilization Logs

A. Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the department for three consecutive years from the date of the recorded event, showing for each source of radiation the following information:

1. a unique identification describing the make, model, and serial number of each radiation machine, each radiographic exposure device, each transport or storage container in which the sealed source is located, and each sealed source;

2. the identity and signature of the radiographer to whom the source is assigned;

* * *

[See Prior Text in A.3-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1234 (August 2001).

§547. Inspection and Maintenance of Radiographic Exposure Devices and Storage Containers

A. The licensee or registrant shall perform visual and operability checks on radiation machines, radiographic exposure devices, transport and storage containers, source changers, and associated equipment prior to each day's use, or work shift, to ensure that:

1. the equipment is in good condition;
2. the sources are adequately shielded; and
3. required labeling is present.

B. Each licensee or registrant shall have written procedures for and perform inspections at intervals not to exceed three months, or before first use thereafter, and routine maintenance of radiation machines, radiographic exposure devices, source changers, storage containers, and associated equipment to ensure proper functioning of components important to safety. All appropriate parts shall be maintained in accordance with manufacturer's specifications. The licensee's inspection and maintenance program must include procedures to ensure that Type B packages are shipped and maintained in accordance with the certificate of compliance or other approval.

C. Records of inspection and maintenance conducted in accordance with Subsections A and B of this Section shall be maintained for inspection by the department for three consecutive years from the date of the recorded event. The record of inspection must include the date of check or inspection, name of inspector, equipment involved, any problems found, and what repair and/or maintenance, if any, was done. If any inspection conducted in accordance with Subsections A and B of this Section reveals damage to components critical to radiation safety, the device shall be removed from service and labeled as defective until repairs have been made.

* * *

[See Prior Text in D-D.3]

E. The licensee or registrant shall include the following information in each report required by Subsection D of this Section and in each report of overexposure submitted under LAC 33:XV.487 that involves failure of safety components of radiography equipment:

* * *

[See Prior Text in E.1-7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1234 (August 2001).

§548. Permanent Radiographic Installations

* * *

[See Prior Text in A-A.1]

2. the control device or alarm system as described in LAC 33:XV.436.A and B shall be tested for proper operation at the beginning of each day of equipment use. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed. Records of these tests shall be maintained for inspection by the department for three consecutive years from the date of the event or until disposition is authorized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1234 (August 2001).

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§573. Conducting Industrial Radiographic Operations

A. Whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has, at a minimum, met the requirements of Subsection E of this Section. The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

B. All radiographic operations conducted at locations of use authorized on the license must be conducted in a permanent radiographic installation, unless specifically authorized by the department.

C. A licensee may conduct lay-barge, offshore platform, or underwater radiography only if procedures have been approved by the department, the Nuclear Regulatory Commission, or another agreement state.

D. At temporary job sites each licensee or registrant shall provide, as a minimum, two-person crews. Such crews shall consist of at least two qualified radiographers, an approved instructor directly supervising a qualified radiographer trainee, or an approved instructor supervising a radiographer assistant.

E. A radiation safety officer (RSO) shall be designated for every industrial radiography license and certificate of registration, or license condition specifying such, issued by the department. The RSO's qualifications shall include:

1. possession of a high school diploma or certificate of high school equivalency based on the GED test;
2. completion of the training and testing requirements of LAC 33:XV.575; and
3. two years of documented radiation protection experience, including knowledge of industrial radiographic operations, with at least 40 hours of active participation in industrial radiographic operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:1234 (August 2001).

§575. Training and Testing

* * *

[See Prior Text in A-A.6]

B. Each licensee or registrant shall maintain, for inspection by the department, until disposition is authorized by the department, the following records for each radiographer and radiographer trainee:

1. records of training and certification. The records must include radiographer certification documents and verification of certification status, copies of written tests, dates and results of oral tests and field examinations, and the names of individuals conducting and receiving the oral and field examinations; and
2. records of annual refresher safety training and semiannual inspections of job performance. The records must list the topics discussed during the refresher safety training, the dates the annual refresher safety training was conducted, and names of the instructors and attendees. For inspections of job performance, the records must also include a list showing the items checked and any noncompliance observed by the radiation safety officer or designee.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 20:999 (September 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001).

§576. Operating and Emergency Procedures

A. The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

* * *

[See Prior Text in A.1-4]

5. personnel monitoring and the use of personnel monitoring equipment, including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off scale or an alarm ratemeter sounds unexpectedly;

* * *

[See Prior Text in A.6-8]

9. maintenance of records;

10. the daily inspection, maintenance, and operability checks of radiographic exposure devices, radiation machines, associated equipment, survey meters, and personnel monitoring devices; and

11. source recovery procedure if licensee will perform source recoveries.

B. Each licensee shall maintain a copy of current operating and emergency procedures until the department terminates the license. Superseded material must be retained for three years after the change is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1235 (August 2001).**

§577. Personnel Monitoring Control

A. No licensee or registrant shall permit an individual to act as a radiographer, instructor, or radiographer trainee unless, at all times during radiographic operations, each such individual wears a direct-reading pocket dosimeter, an alarm ratemeter, and either a film badge, an optically-stimulated luminescence dosimeter (OSL), or a thermoluminescent dosimeter (TLD), except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required.

B. Pocket dosimeters shall have a range of zero to at least 2 millisieverts (200 millirems) and shall be recharged at least daily or at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Pocket dosimeters, or electronic personal dosimeters, shall be checked for correct response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within ± 20 percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for three years by the licensee or registrant for department inspection.

C. Each film badge, TLD, or OSL shall be assigned to and worn by only one individual. Film badges must be replaced at periods not to exceed one month. After replacement, each film badge, OSL, or TLD must be processed as soon as possible.

D. Direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, shall be read and exposures recorded at least daily with use.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale"), or an individual's electronic pocket dosimeter reads greater than 2 millisieverts (200 millirems) and the possibility of radiation exposure cannot be ruled out as the cause, industrial radiographic operations by that individual shall cease and the individual's film badge, OSL, or TLD shall be processed immediately. The individual shall not return to work with sources of radiation until a determination of the radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be recorded and maintained indefinitely or until the department authorizes their disposition.

F. Records of the pocket dosimeter readings shall be maintained for inspection by the department for three consecutive years. If the dosimeter readings were used to determine external radiation dose, the records shall be maintained indefinitely or until the department authorizes their disposition.

G. If a film badge, OSL, or TLD is lost or damaged, the worker shall cease work immediately until a replacement film badge, OSL, or TLD is provided and the exposure is calculated for the time period from issuance to loss or damage of the film badge, OSL, or TLD. The results of the calculated exposure and the time period for which the film badge, OSL, or TLD was lost or damaged must be recorded and maintained indefinitely or until the department authorizes their disposition.

* * *

[See Prior Text in H-H.1]

2. be set to give an alarm signal at the preset dose rate of 5 mSv/hr (500 millirems/hour);

3. require special means to change the preset alarm function; and

4. be calibrated at periods not to exceed one year for correct response to radiation: acceptable ratemeters must alarm within ± 20 percent of the true radiation dose rate. Records of calibrations will be maintained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001).

Subchapter C. Precautionary Procedures in Radiographic Operations

§585. Security

A. During each radiographic operation, a radiographer or instructor shall maintain continuous direct, visual surveillance of the operation to protect against unauthorized entry into a radiation area or high radiation area, as defined in LAC 33:XV.Chapter 1, except:

1. where the high radiation area is equipped with a control device or alarm system as described in LAC 33:XV.436.A; or

2. where the high radiation area is locked to protect against unauthorized or accidental entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1236 (August 2001).

§587. Radiation Surveys and Survey Records

* * *

[See Prior Text in A]

B. A physical radiation survey shall be made after each radiographic exposure utilizing radiation machines or sealed sources to determine that the machine is "off" or that the sealed source has been returned to its shielded position before exchanging films, repositioning the exposure head, or dismantling equipment. The entire circumference or perimeter of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall also include the entire length of the guide tube.

C. A physical radiation survey shall be made to determine that each sealed source is in its shielded position any time the source is exchanged and prior to securing the radiographic exposure device or storage container as specified in LAC 33:XV.541.

* * *

[See Prior Text in D]

E. Records shall be kept of the surveys required by Subsections C and D of this Section. Such records shall be maintained for inspection by the department for three consecutive years after completion of the survey. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the department authorizes their disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 27:1236 (August 2001).

§588. Documents and Records Required at Temporary Job Sites and Applicable Field Stations

A. Each licensee or registrant conducting industrial radiography at a temporary job site or applicable field station shall have the following documents and records available at that job site or field station for inspection by the department:

* * *

[See Prior Text in A.1-4]

5. dosimeter records, from daily pocket dosimeters and/or electronic personal dosimeters, for the period of operation at the site as required by LAC 33:XV.577;

6. the latest instrument calibration and leak test records for specific devices and sealed sources in use at the site as required by LAC 33:XV.543 and 544. Acceptable records include tags or labels that are affixed to the device or survey meter;

7. a copy of the written confirmation letter issued by the department granting radiographer trainee status to any radiographer trainee performing industrial radiography at the temporary job site;

8. records of equipment problems identified in daily checks of equipment as required in LAC 33:XV.547;
9. evidence of the latest calibration of alarming ratemeters and operability checks of dosimeters as required by LAC 33:XV.577;
10. the shipping papers for the transportation of radioactive materials as required by LAC 33:XV.1502; and
11. when operating under reciprocity in accordance with LAC 33:XV.390, a copy of the applicable state license or registration or Nuclear Regulatory Commission license authorizing the use of sources of radiation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2772 (December 2000), LR 27:1236 (August 2001).

§590. Specific Requirements for Radiographic Personnel Performing Industrial Radiography

[See Prior Text in A-C]

D. No individual other than a radiographer, a radiographer assistant, or a radiographer trainee who is under the personal supervision of a radiographer instructor shall manipulate controls or operate equipment used in industrial radiographic operations. The radiographer's assistant or radiographer trainee shall also be under the personal supervision of a radiographer when using radiographic exposure devices, associated equipment, or a sealed source or while conducting radiation surveys required by LAC 33:XV.587 to determine that the sealed source has returned to its shielded position or the radiation machine is off after an exposure. The personal supervision must include:

1. the radiographer's physical presence at the site where the sources of radiation are being used;
2. the availability of the radiographer to give immediate assistance if required; and
3. the radiographer's direct observation of the assistant's performance of the operations referred to in this Section.

[See Prior Text in E-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 27:1237 (August 2001).

Appendix B C Radiographer Certification

A. Requirements For Certification Programs. All certification programs must:

1. require applicants for certification to:
 - a. receive training in the topics set forth in Appendix A of this Chapter or equivalent Nuclear Regulatory Commission regulations; and
 - b. satisfactorily complete a written examination covering these topics;

2. require applicants for certification to provide documentation that demonstrates that the applicant has:

- a. received training in the topics set forth in Appendix A of this Chapter or equivalent Nuclear Regulatory Commission regulations;
- b. satisfactorily completed a minimum period of on-the-job training as specified in LAC 33:XV.575; and
- c. received verification by a state licensee or registrant or a Nuclear Regulatory Commission licensee that the applicant has demonstrated the capability of independently working as a radiographer;
3. include procedures to ensure that all examination questions are protected from disclosure;
4. include procedures for denying an application and revoking, suspending, and reinstating a certification;
5. provide a certification period of not less than three years nor more than five years;
6. include procedures for renewing certifications and, if the procedures allow renewal without examination, require evidence of full-time employment and annual refresher training; and
7. provide a timely response to inquiries, by telephone or letter, from members of the public about an individual's certification status.

B. Requirements For Written Examinations. All examinations must:

1. be designed to test an individual's knowledge and understanding of the topics listed in Appendix A of this Chapter or equivalent Nuclear Regulatory Commission requirements;
2. be written in a multiple-choice format; and
3. have test items drawn from a question bank containing psychometrically valid questions based on the material in Appendix A of this Chapter.

Chapter 6. X-rays in the Healing Arts
§606. Radiographic Systems Other Than Fluoroscopic, Dental Intraoral, or Computed Tomography X-Ray Systems

[See Prior Text in A-B.6.b]

- i. used continuously for more than one week in the same location, e.g., a room or suite, shall meet the requirements of Subsection B.6.a of this Section; and

[See Prior Text in B.6.b.ii]

7. Operator Protection for Veterinary Systems and Panoramic Dental Systems. All stationary, mobile, or portable X-ray systems used for veterinary work or panoramic dental systems shall be provided with either a 6.5 foot (2 meters) high protective barrier for operator protection during exposures, or shall be provided with means to allow the operator to be at least 12 feet (3.7 meters) from the tube housing assembly during exposures.

[See Prior Text in C-I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2586 (November 2000), LR 27:1237 (August 2001).

Chapter 7. Use of Radionuclides in the Healing Arts
§728. Decay-in-Storage

A. A licensee shall hold radioactive material for decay-in-storage before disposal in ordinary trash and is exempt from the requirements of LAC 33:XV.460 of these regulations if the licensee:

* * *

[See Prior Text in A.1-B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1238 (August 2001).

§731. Use of Radiopharmaceuticals, Generators, and Reagent Kits For Imaging and Localization Studies

* * *

[See Prior Text in A-F2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2104 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2589 (November 2000), LR 27:1238 (August 2001).

Chapter 13. Licensing Requirements for Land Disposal of Radioactive Waste

Subchapter E. Records, Reports, Tests, and Inspections

§1333. Maintenance of Records, Reports, and Transfers

* * *

[See Prior Text in A-C]

D. Notwithstanding Subsections A-C of this Section, copies of records of the location and the quantity of radioactive wastes contained in the disposal site shall be transferred upon license termination to the chief executive of the nearest municipality, the chief executive of the parish in which the facility is located, the parish zoning board or land development and planning agency, the state governor, and other state, local, and federal governmental agencies as designated by the department at the time of license termination.

* * *

[See Prior Text in E-J.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2111 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2598 (November 2000), LR 27:1238 (August 2001).

Chapter 15. Transportation of Radioactive Material
§1502. Scope

* * *

[See Prior Text in A-C.4]

D. If U.S. DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the U.S. DOT specified in Subsection A of this Section to the same extent as if the shipment or transportation were subject to U.S. DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the U.S. DOT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1265 (June 2000), LR 26:2771 (December 2000), LR 27:1238 (August 2001).

James H. Brent, Ph.D.
Assistant Secretary

0108#025

RULE

Department of Health and Hospitals
Board of Veterinary Medicine

Consent Forms
(LAC 46:LXXXV.1039)

The Board of Veterinary Medicine has amended LAC 46:LXXXV.1039 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq. The amendments to the rule are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXXXV. Veterinarians

Chapter 10. Rules of Professional Conduct

§1039. Conduct of One's Practice

A. ...

B. Prior to the commencement of general anesthesia in a non-emergency situation, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall be placed in the patient's medical record. The anesthesia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;

2. the owner or duly authorized agent authorizes the performance of professionally accepted anesthetic procedures necessary for his animal's treatment;

3. the owner or duly authorized agent authorizes the performance of such procedures as are necessary and desirable in the exercise of the veterinarian's professional judgment;

4. the owner or duly authorized agent authorizes the use of appropriate anesthetics;

5. the owner or duly authorized agent has been advised as to the nature of the procedures and the risks involved in performing anesthesia to the animal and that results cannot be guaranteed;

6. the owner or duly authorized agent has read and understands this authorization and consent; and

7. the owner or duly authorized agent signs and dates the form.

C. Subsequent to general anesthesia in an emergency situation, a licensed veterinarian shall have the owner or duly authorized agent of the owner execute an anesthesia consent form which shall comply with the requirements set forth in section 1039.B above. A documented, good faith effort by the licensed veterinarian to obtain a signed anesthesia consent form shall be made within five days after the emergency anesthesia.

D. For purposes of sections 1039.B and C, a situation is an emergency when it is necessary to save an animal's life or relieve suffering by the provision of essential services.

E. Prior to the commencement of an euthanasia procedure, a licensed veterinarian shall meet personally with the owner or duly authorized agent of the owner and have him execute a euthanasia consent form which shall be placed in the patient's medical record. The euthanasia consent form shall be in writing and include the following:

1. the owner or duly authorized agent has the authority to execute the consent;
2. the owner or duly authorized agent gives full and complete authority to euthanize and dispose of the animal in whatever manner the veterinarian deems appropriate;
3. that to the best of the owner or duly authorized agent's knowledge that animal has not bitten any person or animal during the last 15 days prior to presentation and has not been exposed to rabies;
4. that the owner or duly authorized agent understands euthanasia as personally explained by the veterinarian and gives permission to end the animal's life; and
5. the owner or duly authorized agent signs and dates the form.

F. The licensed veterinarian may address the issues of civil liability, payment arrangements and/or other issues of concern in the anesthesia consent form and/or euthanasia consent form, however, the inclusion of such issues are at the discretion of the licensed veterinarian and are not required by the board to be addressed in the forms.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 27:1238 (August 2001).

Kimberly B. Barbier
Administrative Director

0108#035

RULE

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

**Adult Denture Program
Reimbursement Fee Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the

Social Security Act. This rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has increased the reimbursement fees for certain designated procedure codes to the following rates.

Procedure Code	Procedure Name	New Rate
05110	Full Upper Denture	\$470.00
05120	Full Lower Denture	\$470.00
05130	Immediate Full Upper Denture	\$470.00
05140	Immediate Full Lower Denture	\$470.00
05211	Upper Acrylic Partial w/Clasp	\$425.00
05212	Lower Acrylic Partial w/Clasp	\$425.00
05750	Reline Full Upper Denture-Lab Reline	\$200.00
05751	Reline Full Lower Denture-Lab Reline	\$200.00
05760	Reline Upper Partial Denture-Lab Reline	\$175.00
05761	Reline Lower Partial Denture-Lab Reline	\$175.00

In addition, the bureau has established requirements for unique identification information to be processed into all new removable dental prosthetics reimbursed under the Medicaid program. Adult Denture Program providers shall process into the acrylic base of each new removable dental prosthesis, the recipient's last name and first initial, the month and year, and the Medicaid provider number. This criteria applies to the following services: full upper denture, full lower denture, immediate full upper denture, immediate full lower denture, upper acrylic partial w/clasp and lower acrylic partial w/clasp.

David W. Hood
Secretary

0108#092

RULE

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

**Disproportionate Share Hospital Payment Methodologies
Provider Based Rural Health Clinics**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the disproportionate share payments to small rural hospitals by including the uncompensated costs of health care services provided in a rural health clinic that is licensed as part of the small rural hospital in the calculation of the hospital's uncompensated costs. Qualifying hospitals must meet the qualifying criteria contained in section II. E and either section II. A, B, or C of the May 20, 1999 rule. In addition,

qualifying hospitals must meet the definition for a small rural hospital contained in III. B.1. of the March 20, 2000 rule. Qualifying hospitals must maintain a log documenting the provision of uninsured care in the rural health clinic as directed by the department. All other provisions contained in the May 20, 1999 rule shall remain in effect as previously promulgated.

The disproportionate share payments to each qualifying rural hospital shall continue to be equal to that hospital's pro rata share of uncompensated costs for all hospitals meeting these criteria for the cost reporting period ended during the period April 1, 2000 through March 31, 2001, multiplied by the amount set for this pool. Payment will not exceed each qualifying hospital's actual uncompensated costs or the amount appropriated. If the cost reporting period is not a full period (12 months), actual uncompensated cost data for the previous cost reporting period may be used on a pro rata basis to equate to a full year.

Implementation of this rule shall be subject to the approval of the Centers for Medicare and Medicaid Services.

David W. Hood
Secretary

0108#093

RULE

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

**Early Periodic Screening Diagnosis and Treatment (EPSDT)
Dental Program Reimbursement Fee Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has increased the reimbursement fees for certain designated procedure codes to the following rates.

Procedure Code	Procedure Name	New Rate
02930	Stainless Steel Crown-Primary	\$78.00
02931	Stainless Steel Crown-Permanent	\$78.00
05110	Full Upper Denture	\$470.00
05120	Full Lower Denture	\$470.00
05130	Immediate Full Upper Denture	\$470.00
05140	Immediate Full Lower Denture	\$470.00
05211	Upper Acrylic Partial w/Clasp	\$425.00
05212	Lower Acrylic Partial w/Clasp	\$425.00
05750	Reline Full Upper Denture-Lab Reline	\$200.00
05751	Reline Full Lower Denture-Lab Reline	\$200.00
05760	Reline Upper Partial Denture-Lab Reline	\$175.00
05761	Reline Lower Partial Denture-Lab Reline	\$175.00

In addition, the bureau establishes requirements for unique identification information to be processed into all new removable dental prosthetics reimbursed under the Medicaid program. EPSDT Dental Program providers shall process into the acrylic base of each new removable dental prosthesis, the recipient's last name and first initial, the month and year, and the Medicaid provider number. This criteria applies to the following services: full upper denture, full lower denture, immediate full upper denture, immediate full lower denture, upper acrylic partial w/clasp, lower acrylic partial w/clasp, upper cast partial/acrylic and lower cast partial/acrylic.

David W. Hood
Secretary

0108#094

RULE

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

Application (LAC 46:LVII.501)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:3505B(1), the Louisiana Department of Public Safety and Corrections, Louisiana State Board of Private Investigator Examiners has amended Part LVII of Title 46, amending Chapter 5, Section 501, to delete the requirement for a consent for service of process to be included on the application form for out of state licensees.

This rule and regulation is an amendment to the initial rules and regulations promulgated by the Louisiana State Board of Private Investigator Examiners.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part LVII. Private Investigator Examiners
Chapter 5. Application, Licensing, Training,
Registration and Fees**

§501. Application

A. The board shall issue a two-part application.

1. Part I shall be designated for investigative agencies; and
2. Part II shall be designated for individual investigators.

B. Applications shall be sent to all persons requesting application for licensing in the State of Louisiana.

C. The application shall contain the following information:

1. the minimum statutory requirements for obtaining a license in the State of Louisiana;
2. instructions explaining requirements of the application; and
3. a schedule of licensing fees for an agency and individual.

D. Information requested on the application shall include the following:

1. company, partnership or corporation history;
2. personal history;
3. marital status;
4. education;

5. military service;
6. employment history;
7. character references;
8. investigative history;
9. miscellaneous questions regarding:
 - a. involvement of overthrow by force of our government;
 - b. crimes involving moral turpitude;
 - c. felony convictions; and
 - d. any unfavorable background incidents the applicant should share with the board; and
10. notarized statement confirming the accuracy of the information contained in the application.

E. If the applicant is a sole proprietor, he must furnish a copy of his occupational license with the application.

F. Applicants must submit appropriate fees along with the application. An administrative fee of \$25 made payable to the board will be assessed on all checks returned from the bank and deemed non-sufficient funds.

G. No person shall make an application to the board as qualifying agent unless that person intends to maintain and does maintain supervisory position on a regular, full-time basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, LR 19:1333 (October 1993), amended LR 27:1240 (August 2001).

Charlene Mora
Chairman

0108#018

RULE

Department of Public Safety and Corrections Board of Private Security Examiners

Firearm Training (LAC 46:LIX.301 and 405)

Under the authority of the Private Security Regulatory and Licensing Law, R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the executive secretary has amended the Louisiana State Board of Private Security Examiners Regulations, LAC 46:LIX.301 and 405, as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIX. Private Security Examiners

Chapter 3. Security Officer Registration

§301. Qualifications and Requirements for Security Officer Registration

A. - G. ...

H. An applicant who will be registered to carry a weapon must be trained in that weapon prior to carrying such on a job site and verification of training must be submitted by the licensee to the board at the time application is made. If the applicant has not been trained, then the licensee shall register the applicant as unarmed until such time as required training has been received and proof of training submitted to the board. If the training is received after 30 days, then a \$10

status change fee must be submitted in accordance with the rule for status changes.

I. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15:11 (January 1989), LR 13:846 (October 1989), LR 18:191 (February 1992), LR 23:588 (May 1997), LR 26:1072 (May 2000), LR 27:1241 (August 2001).

Chapter 4. Training

§405. Firearms Training

A. - B. ...

C. Successful completion of firearms training also includes the security officer passing the board required firearms proficiency course by achieving a minimum marksmanship qualifying score of 80 percent.

D. - F.4.c.ii.(b). ...

G. Semiautomatic Handgun

1. A board-licensed semiautomatic firearms instructor must train the officer in the use of a semiautomatic handgun prior to him carrying such weapon on a job site. The board-licensed semiautomatic firearms instructor must meet the same qualifications of a firearms instructor as required by R.S. 37:3284.

2. The semiautomatic proficiency course used by the firearms instructor must be certified by the National Rifle Association, Department of Energy or P.O.S.T., and proof of such certification shall be submitted to the board for approval and verification.

H. - H.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 18:192 (February 1992), amended LR 23:588 (May 1997), LR 26:1073 (May 2000), LR 27:1241 (August 2001).

These regulations are to become effective upon publication in the *Louisiana Register*.

Wayne R. Rogillio
Executive Secretary

0108#096

RULE

Department of Revenue Office of the Secretary

File Date of Returns and Other Documents; Payment Dates
(LAC 61:I.4911)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary has adopted LAC 61:I.4911, pertaining to the delivery date and timely filing of various documents including returns, reports, and other documents and the timely delivery of payments.

The Department administers a number of taxes and fees whose returns and payments are required to be filed by a prescribed date. Other documents, including reports, are also required by various statutes to be submitted to the department. Since delivery of these documents can be

accomplished by means other than the United States Postal Service, the Secretary intends these rules to provide guidelines as to what constitutes timely filed returns, reports, other documents and payments when delivered by United States Postal Service, couriers, taxpayers or their representatives or via electronic means.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 49. Tax Collection

§4911. File Date of Returns and Other Documents; Payment Dates

A. Definitions. For the purposes of these rules, the following terms shall have the meanings ascribed to them in this section:

Courier—a messenger other than the United States Postal Service that delivers parcels, packages and the like containing returns, reports, other documents or payments.

Electronically—by computer, telephone or internet.

Postage—the amount of money paid for the delivery of a piece of mail by the United States Postal Service.

Postage Meter—the postage printing die and postage registering mechanism of a mailing machine which must meet postal service test specifications and is subject to inspection by the United States Postal Service.

Postmark—an official mark made by the United States postal service on a piece of mail to cancel the stamp and to indicate the place and date of sending.

B. File Date of a Return, Report and Other Document

1. Delivery by the United States Postal Service. A return, report or other document in a properly addressed envelope with sufficient postage delivered by the United States Postal Service is deemed filed on the date postmarked by the United States Postal Service. The postmark must bear a date on or before the last date prescribed for filing the return, report or other document in order to be considered timely filed. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the return, report or other document is sent by United States registered or certified mail, the date of registration is treated as the date of postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible United States Postal Service postmark date. If the dates conflict, the United States Postal Service date shall override the meter date.

2. Delivery by Courier. A return, report or other document delivered by courier is deemed filed on the date it is delivered to the department's headquarters or a regional office.

3. Delivery by the Taxpayer. A return, report or other document delivered by the taxpayer or a representative of the taxpayer is deemed filed on the date it is delivered to the department's headquarters or a regional office.

4. Electronically Filed. A return, report or other document filed electronically is deemed filed on the date transmitted to the department or to a third party acting as the department's agent.

5. Electronic Payment as a Substitute. In the case where a taxpayer is allowed to and has elected to have an electronic payment represent his return, the return shall be considered filed on the date the transmitted funds are posted to the State of Louisiana's bank account.

C. Payment Dates

1. Delivery by the United States Postal Service

a. A payment made in conjunction with the filing of a tax return and submitted in a properly addressed envelope with sufficient postage delivered by the United States Postal Service is deemed paid on the date it is postmarked. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the payment is sent by United States registered or certified mail, the date of registration is treated as the date of postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible United States Postal Service postmark date. If the dates conflict, the United States Postal Service date shall override the meter date.

b. Any payment other than that described in paragraph (C)(1)(a) above including but not limited to payments of billing notices and unidentified payments is deemed paid on the date it is delivered to the department's headquarters or a regional office.

2. Delivery by Courier. A payment delivered by courier is deemed paid on the date it is delivered to the department's headquarters or a regional office.

3. Delivery by the Taxpayer. A payment delivered by the taxpayer or a representative of the taxpayer is deemed paid on the date it is delivered to the department's headquarters or a regional office.

4. Electronic Remittance. A payment remitted electronically is deemed paid on the date the transmitted funds are posted to the State of Louisiana's bank account. A taxpayer required by the provisions of R.S. 47:1519 (B) and LAC 61:I.4910 to pay by electronic funds transfer must comply with the statutes and regulations governing electronic funds transfers, as well as written procedures prescribed by the department, in order to have the payment deemed timely paid.

5. Dishonored Payment. A payment remitted to the department that is later dishonored by the taxpayer's financial institution or the taxpayer's representative's financial institution is not deemed paid until the date the replacement funds are posted to the State of Louisiana's bank account or guaranteed money is delivered to the department's headquarters or a regional office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Office of the Secretary, LR 27:1242 (August 2001).

Cynthia Bridges
Secretary

0108#017

RULE

**Department of Wildlife and Fisheries
Office of Management and Finance**

Recreational Electronic Licensing (LAC 76:I.327)

The Department of Wildlife and Fisheries has established criteria to deny the purchase of recreational fishing and hunting licenses for nonpayment of unpaid fines, penalties, fees and charges as follows.

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission and
Agencies Thereunder**

**Chapter 3. Special Powers and Duties
Subchapter H. Electronic Licenses Issuance**

§327. Recreational Electronic Licensing

A. - M. ...

N. An applicant for a hunting or a fishing license who owes civil penalties pursuant to R.S. 56:31 et seq. and R.S. 56:40 et seq., shall, after decision and after appeal delay has run, be marked in the license issuance system(s) in a manner so as to deny the purchase of hunting or fishing licenses until

all civil penalties have been paid in full. In addition, any applicant, or payee on behalf of an applicant, who has an unpaid check returned by the bank for any reason shall be marked in the license issuance system(s) in a manner to deny the purchase of hunting and fishing licenses until all such fees and NSF charges have been paid in full.

O. If any provision of these regulations is held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provisions, and to this end the provisions of these regulations are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(21) and R.S. 56:641.1.B.(4).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Management and Finance, LR 24:505 (March 1998), amended by Wildlife and Fisheries Commission, LR 26:1078 (May 2000), amended by the Office of Management and Finance, LR 27:1243 (August 2001).

James H. Jenkins, Jr.
Secretary

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