

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators C Business and Marketing Course Offerings (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, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The changes of the Business and Marketing course offerings contained in Bulletin 741, *Louisiana Handbook for School Administrators* C Standards 2.105.26, 2.105.27, and 2.105.32 will revise current course offerings, bringing them in-line with current industry standards.

Title 28 EDUCATION

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

§901. School Approval Standards and Regulations A. Bulletin 741

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 27:694, 695 (May 2001), LR 27:815 (June 2001), LR 27:1005 (July 2001), LR 27:1181, 1182, 1183 (August 2001), LR 27:1512 (September 2001), LR 27: 1674 (October 2001), LR 27:1832, 1833 1840 (November 2001), LR 27:2086, 2095 (December 2001), LR 28:269, 272 (February 2002), LR 28:1724 (August 2002).

Proposed Policy

Business Education

2.105.26 Business Education course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations Business Communications	11-12	1
Business Computer Applications	10-12	1
Business English	12	1
Business Law	11-12	1/2
Computer Multimedia Presentations	11-12	1/2
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1
	11-12	1

Economics		
Entrepreneurship	11-12	1
Financial Math	9-12	1
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I	10-12	1-3
Lodging Management II	11-12	1-3
Principles of Business	9-12	1
Telecommunications	10-12	1/2
Word Processing	11-12	1

Keyboarding and Keyboarding Applications shall be a prerequisite to Administrative Support Occupations, Business Computer Applications, Business Communications, Business English, Computer Multimedia Presentations, Telecommunications and Word Processing. Level I courses shall be prerequisite to Level II courses.

Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding/Keyboarding Applications and one of the following: ASO or Word Processing or BCA, and have maintained an overall "C" average. The students' attendance records should also be considered. Other prerequisites may be required by the individual school system.

English I, II, and III are prerequisites to Business English. BCA or Word Processing is prerequisite to Computer Multimedia Presentations. Computer Literacy or Computer Technology is prerequisite to Telecommunications.

General Cooperative Education

2.105.27 General cooperative education course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3

General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

Marketing Education

2.105.32 Marketing education course offerings shall be as follows:

Course Title	Recommended Grade Level	Unit(s)
Advertising and Sales Promotion	11-12	1
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1
Marketing Management	11-12	1
Marketing Research	11-12	1
Principles of Marketing I	9-12	1
Principles of Marketing II	10-12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1

Keyboarding or being enrolled in Keyboarding simultaneously is a prerequisite for Advertising and Sales Promotion, Entrepreneurship, Research Marketing and Tourism Marketing, Principles of Marketing I and II and another advanced Marketing class is a prerequisite for Marketing Management. English I and II are a prerequisite for Marketing Research. Principles of Marketing or one other marketing course is a prerequisite for Cooperative Marketing Education I.

Weegie Peabody
Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators Attendance C Compulsory School Age (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, *Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Legislation was enacted during the 2001 Regular Session of the Legislature that changes the compulsory school attendance age in Louisiana from 7 to 17 years of age to 7 to 18 years of age. Students who have attained the age of 7 years shall attend a public or private day school or participate in an approved home study program until they reach the age of 18 years. However, a student between the ages of 17 and 18 years of age may withdraw from school prior to graduation with the written consent of his parent, tutor, or legal guardian.

**Title 28
EDUCATION**

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

§901. School Approval Standards and Regulations

A. Bulletin 741

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 27:694, 695 (May 2001), LR 27:815 (June 2001), LR 27:1005 (July 2001), LR 27:1181, 1182, 1183 (August 2001), LR 27:1512 (September 2001), LR 27:1674 (October 2001), LR 27:1832, 1833 1840 (November 2001), LR 27:2086, 2095 (December 2001), LR 28:269, 272 (February 2002), LR 28:1725 (August 2002).

Attendance

1.055.00 Students who have attained the age of 7 years shall attend a public or private day school or participate in an approved home study program until they reach the age of 18 years. However, a student between the ages of 17 and 18 years of age may withdraw from school prior to graduation

with the written consent of his parent, tutor, or legal guardian.

Refer to R.S. 17:221.

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RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators C Guidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems (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, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). At its January 2002 meeting, the State Board of Elementary and Secondary Education revised the Guidelines for Nonpublic and Home Schooling Students Transferring to the Public School Systems: Participation in the LEAP 21. These guidelines provide guidance and clarification to Bulletin 741, Standards 2.026.06, 2.026.08, and 2.026.09 as they relate to the participation of students transferring into the public schools from nonpublic schools and home schooling. Specific language was added to clarify the transfer policy as it relates to students with disabilities and their requirements to be eligible for special education waivers, appeals, and override as outlined in the High Stakes Testing Policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 27:694, 695 (May 2001), LR 27:815 (June 2001), LR 27:1005 (July 2001), LR 27:1181, 1182, 1183 (August 2001), LR 27:1512 (September 2001), LR 27: 1674 (October 2001), LR 27:1832, 1833 1840 (November 2001), LR 27:2086, 2095 (December 2001), LR 28:269, 272 (February 2002), LR 28:1725 (August 2002).

**Guidelines for Nonpublic and Home Schooling Students
Transferring to the Public School Systems:
Participation in the LEAP 21**

Students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school or any home schooling program, or any Louisiana resident transferring from any out-of-state school shall be required to take the 4th

or 8th grade LEAP 21 English Language Arts and Mathematics Tests and score at the *approaching basic* or above achievement level. The following guidelines shall apply:

1. Students may take LEAP 21 at either the spring or summer administration prior to enrollment. It is the responsibility of the parent to contact the district test coordinator to register for the test.

2. The nonpublic school and parent (or home schooling parent) is responsible for providing the district test coordinator, at least 10 working days prior to the testing date, any documentation required for requested standard testing accommodations.

3. Students with disabilities who have a current 1508 evaluation will participate in on-level LEAP 21 testing. Promotion decisions for these students will adhere to those policies as outlined in the High-Stakes Testing Policy for students with disabilities participating in on-level testing.

4. School systems may charge a fee for the testing of nonpublic and home schooling students. This testing fee shall be refunded upon the student's enrollment in that public school system the semester immediately following the testing.

5. Students who participate in the spring administration and score at the *unsatisfactory* achievement level are eligible to retake the LEAP 21 at the summer administration.

6. Local school systems shall offer LEAP 21 summer remediation to nonpublic/home schooling 4th and 8th grade students who score at the *unsatisfactory LEAP 21* achievement level. School systems may charge a fee, not to exceed \$100 per student, for this attendance. This summer remediation fee shall be refunded upon the student's enrollment in that public school system the semester immediately following summer remediation.

7. Students who score at the *unsatisfactory* achievement level are not required to attend summer school offered by the local school system to be eligible to take the summer retest (Refer to the High-Stakes Testing Policy for exceptions.)

8. Only those students who score at the *unsatisfactory* achievement level after participation in both the spring and summer administration of the LEAP 21 and who attend the summer school offered by the local school system are eligible for the appeals process or the policy override, provided all criteria are met. (Refer to the High-Stakes Testing Policy.)

9. Students with disabilities who have a current 1508 evaluation are eligible for a special education waiver only if they have attended summer remediation and taken the summer retest.

10. Students who participate in the spring administration only or summer administration only and score at the *unsatisfactory* achievement level are not eligible for the appeals process, special education waiver, or the policy override. These students are not eligible to take The Iowa Tests for placement purposes.

11. Students transferring into local school systems after the LEAP 21 summer retest but prior to February 15 are required to take the state selected form of The Iowa Tests for grade placement, if the student has not taken LEAP 21.

12. Students taking The Iowa Tests are not eligible for either a retest, special education waiver, or the appeals process. These students may be eligible for the policy override based upon a decision by the School Building Level Committee (SBLC).

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Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School
Administrators C Passing Score on the GED
(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, *Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The new GED 2002 will have a different scoring system from the present score referenced in Bulletin 741. The standard for passage is not changed; only the reference to a specific score as the minimum standard for passage of the GED.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 27:694, 695 (May 2001), LR 27:815 (June 2001), LR 27:1005 (July 2001), LR 27:1181, 1182, 1183 (August 2001), LR 27:1512 (September 2001), LR 27:1674 (October 2001), LR 27:1832, 1833 1840 (November 2001), LR 27:2086, 2095 (December 2001), LR 28:269, 272 (February 2002), LR 28:1726 (August 2002).

Passing Score on the GED

1.124.05 To complete the General Educational Development (GED) Test successfully, a student must earn the minimum standard score approved by the governing bodies of the American Council on Education.

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RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School Personnel Policy for Add-On of Secondary Certification (Grades 7-12) to an Existing Certificate at Another Level (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. The new certification structure provided conditions under which Early Childhood (PK-3), Elementary (Grades 1-6), and Middle School (Grades 7-12) could be added to certificates at another level, but did not address Secondary (Grades 7-12) endorsements. This policy provides the conditions under which Secondary (Grades 7-12) certification can be added to an existing certificate at another level.

**Title 28
EDUCATION**

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

**§903. Teacher Certification Standards and Regulations
A. Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825, 828 (June 2001), LR 27:1189 (August 2001), LR 27:1516 (September 2001), LR 27:1676, 1680 (October 2001), LR 27:2096, 2099 (December 2001), LR 28:273 (February 2002), LR 28:1727 (August 2002).

**Policy for Add-On of Secondary Certification
(Grades 7-12) to an Existing Certificate at Another Level**

A person certified to teach up to and including Grade 8 may add secondary certification (grades 7-12) by meeting the following requirements:

1. content coursework to equal 31 semester hours of credit for a primary certification area; and
2. three semester hours of credit in a methodology course in the primary area of certification.

Once certified at the secondary level, a teacher has the following options for adding additional secondary (Grades 7-12) endorsements.

1. For certification areas designated as primary and/or secondary teaching focus areas, pass the designated PRAXIS exam or complete 19 semester hours.
2. For all other secondary certification areas, adhere to Bulletin 746 guidelines.

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RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School Personnel Policy for All-Level (K-12) Certification Areas (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903. This policy provides a new certification structure for the All-Level (K-12) certification areas.

**Title 28
EDUCATION**

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

**§903. Teacher Certification Standards and Regulations
A. Bulletin 746**

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Policy for All-Level (K-12) Certification Areas

There are five All-Level (K-12) certification areas. The following requirements for certification apply to these five certification areas, as follows.

1. Art K-12. The Art K-12 undergraduate education program adheres to the All-level Certification Structure, requiring a specialty of 36 semester hours of coursework in Art.

For admission to an alternate program for Art K-12 certification, candidates must have successfully completed a minimum of 36 semester hours of coursework in Art.

For an Art K-12 endorsement (add-on) to an existing certificate, the candidate must successfully complete 36 semester hours of coursework in Art.

2. Dance K-12. The Dance K-12 undergraduate education program adheres to the All-level Certification Structure, requiring a specialty of 36 semester hours of coursework in Dance.

For admission to an alternate program for Dance K-12 certification, candidates must have successfully completed a minimum of 36 semester hours of coursework in Dance.

For a Dance K-12 endorsement (add-on) to an existing certificate, the candidate must successfully complete 36 semester hours of coursework in Dance.

3. Foreign Language K-12. The Foreign Language K-12 undergraduate education program adheres to the All-Level Certification Structure, requiring a specialty of 36

semester hours of coursework in a foreign language. If the language is French, at least 12 hours must be earned through a two-semester residence in a university abroad or through two summers of intensive immersion study on a Louisiana university campus, an out-of-state university, or abroad.

For admission to an alternate program for Foreign Language K-12 certification, candidates must have successfully completed a minimum of 36 semester hours of coursework in a foreign language. If the language is French, at least 12 semester hours must be earned through a two-semester residence in a university abroad or through two summers of intensive immersion study on a Louisiana university campus, an out-of-state university, or abroad.

For a Foreign Language K-12 endorsement (add-on) to an existing certificate, the candidate must successfully complete 36 semester hours of coursework in a foreign language. If the language is French, at least 12 hours must be earned through a two-semester residence in a university abroad or through two summers of intensive immersion study on a Louisiana university campus, an out-of-state university, or abroad.

4. Health and Physical Education K-12. The Health and Physical Education K-12 undergraduate education program adheres to the All-level Certification Structure,

requiring a specialty of 37 semester hours of coursework in Health and Physical Education.

For admission to an alternate program for Health and Physical Education K-12 certification, candidates must have successfully completed a minimum of 37 semester hours of coursework in Health and Physical Education.

For a Health and Physical Education K-12 endorsement (add-on) to an existing certificate, the candidate must successfully complete 37 semester hours of coursework in Health and Physical Education.

5. Vocal Music and/or Instrumental Music K-12. The Vocal Music and/or Instrumental Music K-12 undergraduate education program adheres to the All-level Certification Structure, requiring a specialty of 50 semester hours of coursework in Vocal Music and/or Instrumental Music.

For admission to an alternate program for Vocal Music and/or Instrumental Music K-12 certification, candidates must have successfully completed a minimum of 50 semester hours of coursework in Vocal Music and/or Instrumental Music.

There is no option for a Vocal Music and/or Instrumental Music K-12 endorsement (add-on) to an existing certificate.

All-Level (K-12) Certification Areas (Approved for Notice of Intent January 2002)

All-Level Undergraduate Program Structure		Art	Dance	Foreign Language	Health and Physical Education	Vocal and/or Instrumental Music
General Education Coursework	English	6 hours				
	Mathematics	6 hours				
	Sciences	9 hours				
	Social Studies	6 hours				
	Arts	3 hours				
Focus Area		36 semester hours of Art Coursework	36 semester hours Dance Coursework	36 semester hours Foreign Language Coursework*	37 semester hours H&PE Coursework	50 hours Vocal Music and/or Instrumental Music
Knowledge of the Learner and the Learning Environment (These hours may be integrated into other areas when developing new courses)	Child Development, Adolescent Psychology, Educational Psychology, The Learner with Special Needs, Classroom Organization and Management, and Multicultural Education NOTE: All areas should address needs of the regular and the exceptional child and should be provided across all certification categories (PK-3, 1-6, 4-8, and 7-12)	18 hours Emphasis across all certification categories				
Methodology and Teaching	Reading	3 hours				
	Teaching Methodology	6 hours				
	Student teaching**	9 hours				
Flexible Hours for the University's Use***		22 hours	22 hours	22 hours	21 hours	8 hours
Total Hours		124 hours				

*If foreign language is French, at least 12 hours must be earned through a two-semester residence in a university abroad or through two summers of intensive immersion study on a Louisiana university campus, an out-of-state university, or abroad.

**Students must spend a minimum of 270 clock hours in student teaching, with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

***In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during the sophomore, junior, and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

Weegie Peabody
Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State
Certification of School Personnel Policy for
Secondary (Grades 7-12) Certification
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903. This policy prescribes conditions under which candidates can enter alternate programs and/or add endorsements if pursuing primary and/or secondary teaching focus areas (Grades 7-12) for which no PRAXIS exam has been validated for use in Louisiana.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825, 828 (June 2001), LR 27:1189 (August 2001), LR 27:1516 (September 2001), LR 27:1676, 1680 (October 2001), LR 27:2096, 2099 (December 2001), LR 28:273 (February 2002), LR 28:1729 (August 2002).

Policy for Secondary (Grades 7-12) Certification: Primary/Secondary Teaching Focus Areas with No PRAXIS Exam

There are six Primary and/or Secondary Teaching Focus Areas for Grades 7-12, certification for which there is no PRAXIS examination. The following requirements for certification apply to these six certification areas, as follows.

1. Vocational Agriculture. This has been approved as an undergraduate program primary teaching focus area.

For admission to an alternate program for secondary (grades 7-12) certification, candidates must have successfully completed a minimum of 31 semester hours in technical agriculture courses.

There is no endorsement (add-on) option for Vocational Agriculture.

2. Distributive Education. For undergraduate programs, this has been approved as both a primary and a secondary teaching focus area.

For admission to an alternate program for secondary (grades 7-12) certification, candidates must have successfully completed a minimum of 31 semester hours in technical courses, to include marketing, merchandising, management, accounting, and business law, but not to exceed 3 semester hours each of accounting and business law. For certification purposes, candidates must also have a minimum of 2000 hours (one year) of work experience in distributive occupations, a portion of which can be satisfied through a university-sponsored practicum or supervised work experience, for credit.

For an endorsement (add-on) of Distributive Educative to a valid secondary teaching certificate, candidate must have 19 semester hours of technical coursework; and 2,000 hours of work experience in distributive occupations, a portion of which can be satisfied through a university-sponsored practicum or supervised work experience, for credit.

3. Earth Science. For undergraduate programs, this has been approved as both a primary and a secondary teaching focus area.

For admission to an alternate program for secondary (grades 7-12) certification, candidates must have successfully completed a minimum of 31 semester hours of science coursework, to include at least 19 hours in earth science, 3 hours in physical geology, and 3 hours in historical geology.

For an endorsement (add-on) of Earth Science to a valid secondary teaching certificate, a candidate must have 19 semester hours of earth science coursework.

4. Environmental Science. For undergraduate programs, this has been approved as both a primary and a secondary teaching focus area.

For admission to an alternate program for secondary (grades 7-12) certification, candidates must have successfully completed a minimum of 31 semester hours in science courses, to include at least 12 hours of biology, 6 hours of chemistry, and 3 hours of geology or earth science.

For an endorsement (add-on) of Environmental Science to a valid secondary teaching certificate, a candidate must have 19 semester hours of science coursework, to include 12 hours of biology and 6 hours of chemistry.

5. Industrial Arts Education. For undergraduate programs, this has been approved as a primary teaching focus area.

For admission to an alternate program for secondary (grades 7-12) certification, candidates must have successfully completed a minimum of 31 semester hours of technical coursework.

There is no endorsement (add-on) option for Industrial Arts Education.

6. Journalism. For undergraduate programs, this has been approved as a secondary teaching focus area.

There is no alternate program option for Journalism.

For an endorsement (add-on) of Journalism to a valid secondary teaching certificate, a candidate must have 19 semester hours of journalism coursework.

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0208#020

RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State Certification of School Personnel CPRAXIS Examination Requirements for all Elementary Education Certification Candidates (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 746C Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903. Effective October 1, 2002, the content PRAXIS examination requirement for both undergraduate and alternate program elementary education candidates (Grades 1-6) is Test #0014 (Elementary School: Content Knowledge). This requirement replaces the prior combination requirement of Tests #0011 (Elementary Education Curriculum, Instruction, and Assessment) and #0012 (Elementary Education: Content Area Exercises) for undergraduate program completers.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 27:825, 828 (June 2001), LR 27:1189 (August 2001), LR 27:1516 (September 2001), LR 27:1676, 1680 (October 2001), LR 27:2096, 2099 (December 2001), LR 28:273 (February 2002), LR 28:1730 (August 2002).

PRAXIS Examination Requirement

For All Elementary Education Certification Candidates Effective October 1, 2002, the content PRAXIS examination requirement for both undergraduate and alternate program elementary education candidates (Grades 1-6) is Test #0014 (Elementary School: Content Knowledge). This requirement replaces the prior combination requirement of Tests #0011 (Elementary Education Curriculum, Instruction, and Assessment) and #0012 (Elementary Education: Content Area Exercises).

In addition, the PRAXIS Pre-Professional Skills Tests plus Test #0522 (Principles of Learning and Teaching: Grades K-6) continue as requirements for all elementary education certification candidates.

Elementary education certification candidates who, prior to October 1, 2002, successfully completed either Test #0011 or #0012, but failed to complete the combined requirement of both tests, may opt for either of the following:

- (1) Complete the combination requirement of #0011 and #0012 by passing the missing test; or
- (2) Complete the #0014 PRAXIS requirement.

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RULE

Board of Elementary and Secondary Education

Bulletin 996—Louisiana Standards for Approval of Teacher Education Programs (LAC 28:XLV.Chapter 1-11)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Elementary and Secondary Education has repealed all existing rules pertaining to Bulletin 996, Louisiana Standards for Approval of Teacher Education Programs, and has adopted new rules governing the accreditation policies and procedures for teacher education units in the state. Although the changes to Bulletin 996 are extensive, the intent of the law has not changed. Because teacher education units in the state are going through a redesign process to verify evidence of student learning, changes to Bulletin 996 will reflect the redesign efforts.

Title 28

EDUCATION

PART XLV. Bulletin 996—Standards for Approval of Teacher Education Programs

Chapter 1. Introduction

§101. Guidelines

A. Bulletin 996 is intended to guide higher education institutions in their development and review of teacher education programs, to guide visiting committees in their evaluations, and to inform all interested persons of the Louisiana standards for teacher preparation programs and the procedures for program evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1730 (August 2002).

§103. The Partnership Agreement

A. In September 1999, the State Board of Elementary and Secondary Education (SBESE) authorized Cecil J. Picard, State Superintendent of Education, to sign the partnership agreement between the State and the National Council for Accreditation of Teacher Education (NCATE). Implementation began in 2000 with visits to Louisiana institutions of higher education. Binding until 2004, the NCATE/State Partnership Agreement formalizes current practice and provides the State greater input into the review process. The State Board of Elementary and Secondary Education and the State Department of Education are committed to ensuring that the teachers in Louisiana meet high standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1730 (August 2002).

§105. Protocol

A. Bulletin 996 contains three parts that are vital to the Teacher Preparation Program Approval Process. Part One includes the Protocol and the Protocol Addendum for First/Probation/Continuing Accreditation for Professional Education Units in the State of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002).

§107. NCATE 2000 Standards C May 11, 2000

A. Bulletin 996 contains the National Council for Accreditation of Teacher Education standards (NCATE 2000 Standards: May 11, 2000). The standards selected for state program approvals are identical to the standards prescribed by the National Council for the Accreditation of Teacher Education (NCATE 2000 Standards: May 11, 2000). These standards focus on the overall quality of the professional education unit, with emphases on policies, procedures, candidates, assessment, field experiences, clinical practice, governance, administration, staffing, and resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002).

§109. State Supplement

A. Bulletin 996 contains the Louisiana State Supplement Standards for Teacher Preparation Program Approval, standards that are unique to Louisiana education initiatives. Although particular sections of this Bulletin are addressed specifically to the institution or to the visiting committee, it is important for the visiting committee to be familiar with the directions given to the institution, and vice versa. Study and observance of Bulletin 996 by all concerned will greatly facilitate the state program approval and national unit accreditation processes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002).

Chapter 3. Protocol C State Requirements

§301. Adoption of NCATE Standards by Reference

A. The state has adopted the standards prescribed by the National Council for the Accreditation of Teacher Education (NCATE 2000 Standards: May 11, 2000). These standards are available on the NCATE website (www.ncate.org) and from the National Council for the Accreditation of Teacher Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002).

§303. First/Continuing/Probation Accreditation for State Program Approval for Professional Education Units in the State of Louisiana

A. Dates of Visit

1. First/Continuing

a. Institutions receive copies of the regulations governing the approval of teacher preparation programs. The regulations require the institution to notify the department of

intent to seek approval not less than one year prior to the year in which current state approval will end.

b. Visits are scheduled from Saturday through Wednesday noon. The Louisiana Department of Education must agree upon the date of the visit.

B. Timelines

1. First/Continuing

a. In Accordance to NCATE Timelines

b. All teacher preparation programs have received the current approval regulations and certification regulations.

C. Preconditions

1. First

a. For state-only visits, preconditions #1-10 are sent to the LSDE approximately 18 months prior to the on-site visit.

2. First/Continuing/Probation

a. For state approval preconditions #11 and #12 must be met.

D. Program Review Documents (Program review documents required)

1. First/Probation

a. Two copies of each program review must be submitted to the LSDE at the same time they are submitted to NCATE. For a state-only visit, two copies should be submitted to LSDE.

b. The state coordinates program reviews by national professional education associations with guidelines that have been approved by the Specialty Area Studies Board.

c. A copy of the national review also must be sent to the LSDE. The information will be made available to the Louisiana State Board of Elementary and Secondary Education for review, if requested.

2. Continuing

a. Two copies of each program review and one copy of the national review should be sent to the LSDE. This information will be made available to the Louisiana State Board of Elementary and Secondary Education for review, if requested.

E. Standards

1. First/Continuing/Probation

a. NCATE standards and the Louisiana State Supplement Standards apply to the professional education unit, as per Louisiana State Board of Elementary and Secondary Education.

F. Institutional Report

3. First/Probation

a. The institution responds to NCATE/state standards. For state only visits, a copy of the institutional report, undergraduate and graduate catalog are sent to each member of the State team and to the state consultant.

b. The institutional report must address, in addition to NCATE requirements, the specific Louisiana requirements.

4. Continuing

a. The institution must send one copy of the institutional report to each member of the state team and to the state consultant. The institutional report must address NCATE requirements (if applicable) and the specific Louisiana requirements.

G. Previsit

1. First/Continuing/Probation

a. The state chair meets with LSDE consultants and the institution's unit head and/or designee to plan for the visit. This previsit occurs at the institution within 60 days of the visit.

b. The state chair and state consultant should have received a copy of the institution's report(s) prior to the previsit.

H. Team Members (Joint)

1. First/Continuing/Probation

a. A team is selected from Louisiana's Board of Examiners (BOE) by the coordinator of teacher preparation program approval and the Section Administrator of Teacher Certification and Higher Education. Louisiana regulations require that team members represent a broad background and experience in education. The team must include representatives of Louisiana Education Authorities (LEAs), higher education, and the LSDE and must represent geographic, gender and racial diversity. The institution is given the opportunity to request the withdrawal of any team member for good cause. The Department approves or denies the request.

I. Team Size

1. First/Continuing/Probation

a. The total number of team members will be determined jointly by NCATE, (if applicable) and/or by the LSDE, based on the number of programs to be reviewed. All Louisiana members will be voting members of the team. The state consultant will not vote but will have full rights otherwise.

J. Team Chairs

1. First/Continuing/Probation

a. The coordinator for teacher preparation program approval and the Section Administrator of Certification and Higher Education appoints the state co-chair. The state co-chair will be responsible for coordinating the writing of the section of the report on Louisiana requirements, based on information provided by Louisiana team members. The written report will be submitted to the NCATE chair and to the state consultant.

K. Team Decisions

1. First/Continuing/Probation

a. For NCATE/State visits, the Louisiana team members will determine if the specific Louisiana standards have been met and will determine the weaknesses to be cited and recorded for each standard. The team generally uses a consensus process.

b. For state-only visits, the Louisiana team members will vote on both NCATE and state standards to determine if the unit has met standards and if not, the weaknesses to be cited.

L. Team Expenses

1. First/Continuing/Probation

a. The institution is required to cover all travel and maintenance expenses for the members of the Louisiana BOE.

M. Team Training

1. First/Continuing/Probation

a. Louisiana members have successfully completed an LBOE training session in the past six years.

N. Other Team Participants

1. First/Continuing/Probation

a. The state consultant's expenses are covered by the LSDE.

O. On-Site Visit

1. First/Continuing/Probation

a. The NCATE template for on-site visits guides the conduct of the visit as outlined in the *Handbook for First Accreditation Visits* and the *Handbook for Continuing Accreditation Visits*.

b. The state format for an exit interview includes providing information on the rating of the standards with weaknesses cited. This is done to alert institution officials as to what the written report will contain. The exit interview is not a time for discussion or debate on the rating of standards.

c. For a state-only visit, an exit conference is held before the team departs on Wednesday. The state chair and the state consultant from the LSDE conduct it. The unit head, unit visit coordinator and the president and/or provost may also attend.

P. BOE Team Report

1. First/Continuing/Probation

a. For NCATE/state visits, the state co-chair will compile the state section of the report. A draft of the state report will be mailed to each state member and the state consultant for review and to the institution for its review of any factual errors.

b. For state-only visits, the state chair will compile the entire report. A draft of the team report will be mailed to each team member and the state consultant for review and to the institution for its review of any factual errors. The unit has approximately five days to respond in writing.

c. After receiving the unit's response and making appropriate changes, if necessary, the chair submits the final report, including state standards if joint visit, to LSDE, which then sends two copies of the report to the institution and NCATE (if applicable).

Q. Institutional Rejoinder

1. First/Continuing/Probation

a. The institution must submit two copies of its BOE report rejoinder, addressing all applicable standards, to the LSDE. The institution may, as appropriate, send a written state report rejoinder to the LSDE.

R. Final Action Report

1. First/Continuing/Probation

a. The LSBESE reviews the institutional report and any institutional rejoinders and/or responses. The LSBESE makes the final decision on the approval of the teacher preparation programs (unit) at that institution. The Louisiana Unit Accreditation Board (LUAB) meets to recommend the action to be taken, based on the report and the rejoinder, and LSDE staff takes the action recommendation to LSBESE. The actions that the Board can take include full approval, provisional approval, probationary approval, or denial of approval for the unit. A letter from the Section Administrator of Teacher Certification and Higher Education to the head of the education unit conveys final Board action, with a copy to the president of the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002).

§305. Protocol Addendum for Change in State Status of NCATE Accredited Teacher Education Units in Louisiana

A. As a result of action taken by the NCATE Executive Board in October of 1999, an addendum has been included with the State of Louisiana's Partnership Protocol, to reflect actions to be taken by NCATE and the state when a "change in state status" occurs for an NCATE accredited teacher education unit.

1. Notification

a. The state will provide to NCATE a copy of the teacher education standards that describe how status of programs will be determined.

b. Within 30 days, the state will provide NCATE notification of a "change in state status" affecting a Louisiana NCATE-accredited institution.

c. Supporting documentation, pertaining to the decision that leads to a "change in state status," will be provided to NCATE, pending approval by the State Board of Elementary and Secondary Education.

d. As with all institutional actions by the Louisiana State Board of Elementary and Secondary Education, public notice will be given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002).

Chapter 5. Preconditions for Teacher Preparation Program Approval

§501. Requirements of Preconditions

A. The preconditions for teacher preparation program approval are required to assure that any education unit undergoing review has met fundamental criteria that undergird the State's and NCATE's standards for accreditation. An education unit should submit its preconditions report to the Louisiana Department of Education and to NCATE office, if simultaneously pursuing national accreditation, within 18 months of its planned program approval visit. State Department personnel and, in the case of national approval, NCATE staff will advise the unit if any additional documentation is required to complete the preliminary process for program approval. Once the preconditions process is complete with notification from the Louisiana Department of Education and/or NCATE, the institution should begin its preparation toward State and/or national accreditation of its teacher preparation program.

B. The state entered into a partnership agreement with the National Council for Accreditation of Teacher Education (NCATE) effective through Fall 2004 to conduct joint state program approval and NCATE unit accreditation reviews. The state has adopted and is incorporating by reference preconditions 1-9 prescribed by NCATE. These standards are available from the NCATE website (www.ncate.org) or from the National Council for Accreditation of Teacher Education.

C. Preconditions #10, #11, and #12 must be met by education units seeking approval.

1. Precondition #10. The institution is an equal opportunity employer and does not discriminate on the basis of race, sex, color, religion, age or handicap (consistent with Section 702 of Title VII of the Civil Rights Act of 1964, which deals with exemptions for religious corporations, with

respect to employment of individuals with specific religious convictions).

a. Documentation required:

i. a copy of the institution's official action pledging compliance with nondiscriminatory laws and practice.

2. Precondition #11. Under state legislative authority R.S. 17:7(6), as amended, the unit complies with the qualifications and requirements for the certification of teachers established by the State Board of Elementary and Secondary Education.

a. Documentation required:

i. teacher education handbooks (faculty and student) or university catalog that publishes the unit's policies and procedures regarding but not limited to the following:

(a). procedures for student evaluation and counseling upon first entry into the institution;

(b). 2.20 average on a 4.00 scale as a condition for entrance into a teacher education program;

(c). passage of standardized test for entry into teacher education;

(d). experiences in schools of varied socioeconomic and cultural characteristics;

(e). instruction on child discipline and the prevention of disruptive behavior in schools;

(f). reading courses (three hours for secondary and nine hours for elementary);

(g). a minimum of 270 clock hours in student teaching with 180 hours of actual teaching;

(h). a substantial part of 180 hours of actual student teaching on an all day basis;

(i). 2.50 cumulative grade point average at graduation; and

(j). evaluation criteria of faculty and timeframes.

3. Precondition #12. The teacher education unit must meet the BESE requirements for certification for each program area offered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002).

Chapter 7. NCATE 2000 Unit Standards

§701. Partnership Agreement

A. The state entered into a partnership agreement with the National Council for Accreditation of Teacher Education (NCATE) effective through Fall 2004 to conduct joint state program approval and NCATE unit accreditation reviews. The state has adopted and is incorporating by reference the standards prescribed by NCATE. These standards are available from the NCATE website (www.ncate.org) or from the National Council for Accreditation of Teacher Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002).

Chapter 9. Louisiana State Supplement for Teacher Preparation Program Approval

§901. Introduction

A. Each teacher preparation program seeking approval from the Louisiana State Board of Elementary and Secondary Education (LSBESE) is required to incorporate and adhere to the NCATE standards and to track closely the

NCATE accreditation process. Each Louisiana university is required to develop a report describing how the unit is addressing the six key state initiatives as identified and delimited in the Louisiana State Supplement for Teacher Preparation Program Approval. It is the responsibility of the teacher preparation program to prepare and present a clear description of how it is responding to each of the Louisiana Standards.

B. The rubrics, as listed, develop a continuum of quality regarding a beginning teacher's ability to meet effectively the requirements of the five domains in *The Louisiana Components of Effective Teaching*. The integration of the Louisiana Content Standards is to be evidenced in the teacher education curricula of each teacher education unit. Each teacher education program must show evidence of integration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002).

Chapter 11. The Components of Effective Teacher Preparation

Subchapter A. Standard AC Candidates Provide Effective Teaching for All Students

§1101. Planning

A. Candidates and/or Graduates of the Teacher Education Program Provide Effective Instruction and Assessment for All Students

1. The teacher education program provides candidates¹ and/or graduates² with knowledge and skills in the following planning processes: specifying learner outcomes, developing appropriate activities which lead to the outcomes, planning for individual differences, identifying materials and media for instruction, specifying evaluation strategies for student achievement, and developing Individualized Education Plans (IEPs) as needed.

Unacceptable	Acceptable	Target
Candidates recognize the components of planning and know that they are expected to meet the learning needs of each student.	Candidates demonstrate knowledge of the steps in developing plans to meet the learning needs of each student.	Candidates and/or graduates develop and implement plans as needed to meet the learning needs of each student.

¹Candidates. Individuals admitted to or enrolled in programs for the First preparation of teachers. Candidates are distinguished from students in P-12 school.

²Graduates. Individuals admitted to or enrolled in programs for the advanced preparation of teachers, teachers continuing their professional development, or other professional school personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002).

§1103. Management

A. The teacher education program provides candidates and graduates with knowledge and skills in the management component, which includes maintaining an environment conducive to learning, maximizing instructional time, and managing learner behavior.

Unacceptable	Acceptable	Target
Candidates understand various approaches to classroom/behavior management.	Candidates create a positive learning environment, maximize instructional time, and manage learner behavior.	Candidates and graduates create a positive learning environment, maximize instructional time, and manage learner behavior, making adjustments as necessary to meet the learning needs of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002).

§1105. Instruction

A. The teacher education program provides candidates and graduates with skills for delivering effective instruction, presenting appropriate content, providing for student involvement, and assessing and facilitating student growth.

Unacceptable	Acceptable	Target
Candidates recognize the components of instruction that meet the learning needs of each student.	Candidates demonstrate use of instructional components that meet the learning needs of each student.	Candidates and graduates demonstrate effective instruction that results in positive learning outcomes for each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2., R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002).

§1107. Curriculum

A. The teacher education curricula provide candidates and graduates with knowledge and skills to effectively incorporate the Louisiana Content Standards in instructional delivery.

Unacceptable	Acceptable	Target
Candidates understand the basic components of the Louisiana Content Standards.	Candidates demonstrate knowledge of the Louisiana Content Standards in lessons for each content area they are preparing to teach.	Candidates and graduates implement instruction and assessment reflective of content standards, local curricula, and each student's needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002).

§1109. Curriculum-Reading (Specifically but not Exclusively for K - 3 Teachers)

A. The teacher education program provides candidates and graduates with knowledge and skills in the curriculum process.

Unacceptable	Acceptable	Target
Candidates understand the elements of a balanced approach to reading instruction.	Candidates use a balanced approach to reading instruction and assessment in K-3 classrooms.	Candidates and graduates effectively use a balanced approach to reading instruction and assessment in K-3 classrooms to impact learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002).

§1111. CurriculumC Mathematics (Specifically but not exclusively for K- 3 teachers)

A. The teacher education program provides candidates and graduates with knowledge and skills in the curriculum process.

Unacceptable	Acceptable	Target
Candidates understand the elements of reform mathematics.	Candidates use reform mathematics content and pedagogy in providing instruction.	Candidates and graduates effectively use reform mathematics content and pedagogy in instruction and assessment, including the use of manipulatives and/or the application of content to real life situations, resulting in improved student learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

§1113. Technology

A. The teacher education program provides candidates with skills to plan and deliver instruction that integrates a variety of software, applications, and related technologies appropriate to the learning needs of each student.

Unacceptable	Acceptable	Target
Candidates understand how to use technology.	Candidates create and use instruction and assessment that integrate technology into the curriculum.	Candidates and graduates effectively integrate technology into the curriculum with instruction and assessment that result in improved student learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

§1115. Professional Development

A. The teacher education program provides candidates and/or graduates with information and skills for planning professional self-development.

Unacceptable	Acceptable	Target
No evidence exists that candidates were exposed to the need for ongoing professional development.	Candidates plan and pursue professional development activities required by the university and/or First employing school system.	Graduates develop an individualized professional development plan based upon their self assessment, reflection, and long term professional goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

§1117. School Improvement

A. The teacher education program provides candidates and/or graduates with preparatory experiences in school improvement that includes taking an active role in school decision-making and creating relevant partnerships.

Unacceptable	Acceptable	Target
Candidates understand the processes of school improvement.	Candidates review and are familiar with school improvement efforts at the school and district levels.	Graduates participate in school improvement efforts by serving on committees and forming partnerships with community groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

Subchapter B. Standard BC Candidates and/or Graduates of Teacher Education Programs Participate in the Accountability and Testing Process

§1119. School and District Accountability System

A. The Teacher Education Program provides candidates and/or graduates with knowledge and skills regarding the utilization of the Louisiana School and District Accountability System (LSDAS).

Unacceptable	Acceptable	Target
Candidates understand the basic components of the LSDAS.	Candidates investigate documents, data, and procedures used in LSDAS.	Graduates take an active role in the school growth process as related to the LSDAS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

§1121. Testing

A. The teacher education program provides candidates and/or graduates with information on the Louisiana Educational Assessment Program (LEAP 21) to enhance their testing and measurement practices related to learning and instruction.

Unacceptable	Acceptable	Target
Candidates understand the basic components of the Louisiana Educational Assessment Program (LEAP 21).	Candidates plan and implement instruction that correlates with LEAP 21.	Graduates interpret LEAP 21 test data and apply results to impact student achievement positively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

Subchapter C. Standard CC The Teacher Education Unit Engages in Program Development

§1123. Plans and Goals

A. The long-range strategic plans and goals of the teacher education unit are consistent with and are an integral part of the institution's long-range strategic plans and goals.

Unacceptable	Acceptable	Target
The long-range strategic plans and goals of the teacher education program are consistent with the institution's long range plans and goals.	The institution's long-range plans and goals support the long-range strategic plans and goals of the teacher education program.	The long-range strategic plans and goals of teacher education are an integral part of the institution's long range plans and goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002).

Subchapter D. Standard DC The Teacher Education Unit Adheres to Faculty Load Policies and Assignments

§1125. Faculty Teaching Workload

A. The load for faculty teaching each semester/quarter generally does not exceed 12 semester/quarter hours for undergraduate courses, 9 semester/quarter hours for graduate courses, and an appropriate proration for a combination of undergraduate and graduate courses.

Unacceptable	Acceptable	Target
The workload policy of the institution allows faculty to participate in teaching (including P12 teaching), scholarship, advisement, and service.	The workload policy of the institution encourages faculty involvement in teaching (P-12), scholarship, advisement, and service.	The workload policy of the institution provides incentives for faculty to make significant contributions to the schools (P-12), scholarly literature, and service to the university and community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002).

Subchapter E. Standard EC The Teacher Education Unit has Appropriate Instructional Support and Facilities for Quality Operation

§1127. Teacher Education Unit

A. Teacher education programs are conducted in a physical plant designed and appropriately maintained for efficient delivery of instruction.

Unacceptable	Acceptable	Target
The Teacher Education Unit has insufficient resources, facilities, and equipment (when compared to other professional units on campus or similar units at other universities) making it difficult to meet standards and deliver instruction.	The Teacher Education Unit has sufficient resources and facilities to prepare candidates to deliver instruction effectively, and to meet standards.	The Teacher Education Unit has exemplary resources, facilities, and equipment. For example, the Unit has an outstanding physical facility to accommodate state-of-the-art teaching and learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002).

Subchapter F. Standard FC The Teacher Education Unit Offers a Program of Collaborative Field Services

§1131. Collaboration

A. The Unit collaborates with higher education faculty, school personnel, and other members of the professional community to design, deliver, and revise effective programs for the preparation of school personnel and to improve the quality of instruction in the schools.

Unacceptable	Acceptable	Target
The Teacher Education Unit works with the LEAs.	The Teacher Education Unit develops collaborative relationships with the LEAs.	The Teacher Education Unit maintains collaborative, diversified, and sustained working relationships with the LEAs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002).

Chapter 13. Identifications of Acronyms

§1301. Acronyms

A. Listed below are the full identifications of acronyms used in this publication:

- ACTC* American College Test;
- AFTC* American Federation of Teachers;
- BOEC* Board of Examiners;
- BORC* Board of Regents;
- CEOC* Chief Executive Officer;
- K-3C* Kindergarten through 3rd Grade;
- LEAP 21C* Louisiana Educational Assessment Program for the 21st century;

LSBESE Louisiana State Board of Elementary and Secondary Education;

LSDASC Louisiana School and District Accountability System. *LSDAS*'s intent is to establish a systematic approach to assessing instructional effectiveness of schools and districts based primarily upon student achievement;

- LSDEC* Louisiana State Department of Education;
- LUABC* Louisiana Unit Accreditation Board;

NCATEC National Council for the Accreditation of Teacher Education;

- NEAC* National Education Association;
- P-12C* Pre-kindergarten through 12th Grades;
- UABC* Unit Accrediting Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002).

Weegie Peabody
Executive Director

0208#022

RULE

Board of Elementary and Secondary Education

Bulletin 1196C Louisiana Food and Nutrition Programs, Policies of Operation (LAC 28:XLIX.101, 349, 2523, 2911, 3307, 3309, 3313, and Chapter 34)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has revised §§101, 349, 2523, 2911, 3307, 3309, 3313, and Chapter 34 of Bulletin 1196, *Louisiana Food and Nutrition Programs, Policies of Operation*. Bulletin 1196 is the policy manual designed to provide useful guidance and information for the purpose of improving regulatory compliance and to enhance the understanding and operation of the Child Nutrition Programs in Louisiana. These revisions to Bulletin 1196: 1. incorporate the major Federal and State policy changes as a result of the Federal revision of the Child and Adult Care Food Program Financial Management Instruction 796-2, Revision 3, effective May 14, 2001; 2. add audit requirements in the Bulletin for the Summer Food Service Program and the Child and Adult Care Food Program (omitted through oversight); 3. strengthen Louisiana Department of Education (LDE) administrative procedures for compliance with federal audit requirements; and 4. transfer the Child Nutrition Program Appeals Procedures from LAC 28:I.943, where initially adopted, to Part XLIX, Chapter 34 of the LAC.

Title 28

EDUCATION

Part XLIX. Bulletin 1196C Louisiana Food and Nutrition Programs, Policies of Operation

§101. Responsibility

A. The board adopted rules and regulations for the operation of the Louisiana Child Nutrition Program. The purpose of the program is to enable child care institutions to integrate a nutritious food service with organized child care services for enrolled children. The rules and regulations are the same as those established in 7 CFR Parts 210-245 for the operation of the Child Nutrition Program.

B. The responsibility for the administration, operation, and supervision of Child Nutrition Programs (CNP) is vested in the educational authorities that are responsible for all other phases of the school program. A CNP must be well planned, organized, and administered on national, state, and local levels if it is to function as an integral part of the total school program. It is important to operate an efficient, high-quality food service unit that meets the nutritional needs of children and provides an educational activity center for the school and community. The goals of the CNP will be met when these principles are applied by those in authority. The responsibilities of administrators are discussed below.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:2100 (December 2001), LR 28:1737 (August 2002).

§349. Recordkeeping for RCCIs and Boarding Schools

A. - B.12.a. ...

b. If a participating RCCI or boarding school has Federal expenditures of less than \$300,000 in a fiscal year, it

shall annually report the amount expended, as a recipient or a subrecipient, in each federal award to the Louisiana Department of Education, to ensure compliance with federal audit requirements. The report will include, at a minimum, the name of each federal award for which the RCCI or boarding school expended funds, the Catalog of Federal Domestic Assistance (CFDA) Number for each award, if known, and the total expenditures in each award for the fiscal year. The report is to be submitted on a form that can be obtained from the Louisiana Department of Education and is due within 60 calendar days from the close of the RCCI or boarding school's fiscal year.

c. Circular A-133 Subpart A §105 defines recipient or subrecipient. The main criteria for determining if an RCCI or boarding school is a recipient or a subrecipient of Federal funds is compliance with federal program requirements as a criteria of receiving and expending the Federal funds.

13. - 14.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 27:2120 (December 2001), amended LR 28:1737 (August 2002).

§2523. Audit Requirements for the Summer Food Service Program

A. Refer to §333 for specific audit requirements that also apply to approved, participating sponsoring institutions.

B. Reporting to the Louisiana Department of Education. If a participating sponsoring institution's federal expenditures are less than \$300,000 in a fiscal year, that sponsoring institution shall annually report the amount expended, as a recipient or a subrecipient, in each federal award to the Louisiana Department of Education, to ensure compliance with federal audit requirements. The report will include, at a minimum, the name of each federal award for which the sponsoring institution expended funds, the Catalog of Federal Domestic Assistance (CFDA) Number for each award, if known, and the total expenditures in each award for the fiscal year. The report is to be submitted on a form that can be obtained from the Louisiana Department of Education and is due within 60 calendar days from the close of the sponsoring institution's fiscal year.

1. Circular A-133 Subpart A §105 defines recipient or subrecipient. The main criteria for determining if a sponsoring institution is a recipient or a subrecipient of federal funds is compliance with federal program requirements as a criteria of receiving and expending the federal funds.

C. While a sponsoring institution that does not meet the annual expenditure threshold of \$300,000 is not required to have an audit of such funds, records must be available for review or audit by appropriate officials of any federal, state, or local government agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1737 (August 2002).

§2911. Audit Requirements for the Child and Adult Care Food Program

A. Refer to §333 for specific audit requirements that also apply to approved, participating sponsoring institutions.

B. Reporting to the Louisiana Department of Education. If a participating sponsoring institution's federal

expenditures are less than \$300,000 in a fiscal year, that sponsoring institution shall annually report the amount expended, as a recipient or a subrecipient, in each federal award to the Louisiana Department of Education, to ensure compliance with federal audit requirements. The report will include, at a minimum, the name of each federal award for which the sponsoring institution expended funds, the Catalog of Federal Domestic Assistance (CFDA) Number for each award, if known, and the total expenditures in each award for the fiscal year. The report is to be submitted on a form that can be obtained from the Louisiana Department of Education and is due within 60 calendar days from the close of the sponsoring institution's fiscal year.

1. Circular A-133 Subpart A §105 defines recipient or subrecipient. The main criteria for determining if a sponsoring institution is a recipient or a subrecipient of Federal funds is compliance with Federal program requirements as a criteria of receiving and expending the federal funds.

C. While a sponsoring institution that does not meet the annual expenditure threshold of \$300,000 is not required to have an audit of such funds, records must be available for review or audit by appropriate officials of any federal, state, or local government agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1737 (August 2002).

§3307. Management Plan and Administrative Budget Approval

A. - B.8. ...

C. Deferred Compensation Plan Approval. In order to pay less than the budgeted salary for any FDCH sponsor employee as approved by the State Agency in the sponsor's current application/agreement, the sponsor must submit a written deferred compensation plan to the State Agency and receive written state agency approval.

1. The following items shall be included in the requested deferred compensation plan:

- a. purpose of the deferral;
- b. procedures to accrue the salary and/or fringe benefits;
- c. beginning and ending dates;
- d. date payment(s) are to be made;
- e. names of affected employees;
- f. maximum amount to be deferred per individual;
- g. tax liability acknowledgement for the individual and the sponsor;
- h. a compliance assurance statement; and
- i. written employee agreement.

2. If a deferred compensation plan is approved, the funds for each salary and/or benefits being deferred must be deposited, at the time of deferral, into a restricted account and can be used only to liquidate the deferred compensation for the specific employee whose compensation or benefits were deferred.

3. If compensation is not given by the sponsor for program labor, the labor is a donation and cannot be charged to the FDCH program.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 27:2209 (December 2001), amended LR 28:1738 (August 2002).

§3309. Sponsor Administrative Operations

A. - A.1.f. ...

2. Salary may not be accrued unless the sponsor has a deferred compensation plan approved by the State Agency.

B. - H.1.a. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 27:2210 (December 2001), amended LR 28:1738 (August 2002).

§3313. Audit/Review

A. - A.1. ...

2. Reporting to the Louisiana Department of Education. If a participating sponsor's federal expenditures are less than \$300,000 in a fiscal year, that sponsor shall annually report the amount expended, as a recipient or a subrecipient, in each federal award to the Louisiana Department of Education. The report will include, at a minimum, the name of each federal award for which the sponsor expended funds, the Catalog of Federal Domestic Assistance (CFDA) number for each award, if known, and the total expenditures in each award for the fiscal year. The report is to be submitted on a form that can be obtained from the Louisiana Department of Education and is due within 60 calendar days from the close of the sponsor's fiscal year.

a. Circular A-133 Subpart A §105 defines recipient or subrecipient. The main criteria for determining if a sponsor is a recipient or a subrecipient of federal funds is compliance with federal program requirements as a criteria of receiving and expending the Federal funds.

b. While a sponsoring institution that does not meet the annual expenditure threshold of \$300,000 is not required to have an audit of such funds, records must be available for review or audit by appropriate officials of any federal, state, or local government agency.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 27:2213 (December 2001), amended LR 28:1738 (August 2002).

Chapter 34. Louisiana Child Nutrition Programs Appeals Procedures

§3401. Purpose

A. The rules and regulations contained in this Subpart shall govern and control procedures used by the Louisiana Department of Education, Division of Nutrition Assistance (hereafter referred to as state agency) for taking action against a school food authority or a child and adult care food program sponsor (hereafter referred to as institution).

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1738 (August 2002).

§3403. Service

A. The service of the Notice of Proposed Action, Request for Appeal and Decision shall be made personally or by official U.S. postal certified mail, return receipt requested.

B. Service upon an institution's authorized representative, officer, or agent constitutes service upon that institution.

C. Service by certified mail is complete upon the date of receipt. An official U.S. postal receipt from the certified mailing constitutes prima facie evidence of service. Any other orders, notices, or documents served or exchanged pursuant to these rules shall be done through personal service or the U.S. mail, all postage prepaid.

1. For purposes of determining whether services have been timely made, if the last day of any deadline established by these rules falls on a weekend or a state holiday, service is considered timely made if received on or before the close of business of the next business day. If the deadline for service falls on a business day, service must be made before close of business that day.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1738 (August 2002).

§3405. Notice of Proposed Action

A. The state agency shall notify the institution, in writing, of the actions being taken through a "Notice of Proposed Action." This notice shall contain the following information:

1. a list of specific violations of program rules and regulations alleged to have been committed by the institution;
2. the specific amount of the fiscal sanction assessed against the institution, if any;
3. a statement specifying what action the institution must take to correct the violation(s) to avoid further proceedings;
4. a statement of the time lines related to the proposed action;
5. a statement as to the consequences for failing to timely take corrective actions, make payments, or make a Request for Appeal;
6. a statement of the institution's right to appeal the proposed action.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3407. Request for Appeal

A. Institutions wishing to appeal proposed actions shall serve a Request for Appeal upon the agency designated in the Notice of Proposed Action within 15 calendar days from the date of receipt of the Notice of Proposed Action.

B. The Request for Appeal shall contain the following information:

1. a listing of what specific violations set forth in the Notice of Proposed Action are being appealed together with a short and plain statement of each contested issue of fact or law concerning each violation;
2. a statement specifying which of the following two forms of appeal an institution seeks:
 - a. a review of the records with the right to submit additional written information to dispute the proposed action; or
 - b. a hearing. Appeals will be conducted by a fair and impartial hearing officer. The institution may be

represented by legal counsel or another designated individual;

3. a statement as to the relief or remedy the institution seeks from the appeal.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3409. Appeals on the Record; Submissions

A. Institutions opting to appeal proposed actions by a review of the record shall submit all documents and information, in written form, that they wish to have considered in the appeal to the hearing officer within 30 calendar days from the state agency's receipt of the Request for Appeal.

B. The state agency shall submit all documents and written information it wishes to have considered to the hearing officer within 30 calendar days from the state agency's receipt of the Request for Appeal.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3409. Notice and Time of Hearing

A. If a hearing is requested, the hearing officer shall schedule a hearing to be held within 90 calendar days from the date of receipt of the Request for Appeal by the designated agency. The hearing officer shall notify the institution in writing of the time, date, and place of the hearing, at least 10 calendar days in advance of the date of the hearing.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3411. Effect of Appeal Upon Agency Actions

A. The Notice of Proposed Action issued to the institution shall remain in effect until the decision is rendered in the appeal. Participating institutions may continue to operate under the program during an appeal of a proposed action, unless the state agency action is based on imminent dangers to the health or welfare of children and that basis is stated in the Notice of Proposed Action. Institutions who continue to operate while appealing a termination shall not be reimbursed for any meals served from the date of service of the Notice of Proposed Action to the date of receipt of the appeal decision, if the decision upholds the termination.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3413. Default

A. The hearing officer may declare any party in default who, without good cause shown:

1. fails to file brief or memorandums or exchange information and evidence as may be required by the hearing officer or these rules;
2. fails to appear at or participate in any pre-hearing conference;
3. fails to appear at or to participate in the hearing.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1739 (August 2002).

§3415. EvidenceC Order of Hearing

A. Evidence that is material and relevant to an issue or inquiry before the hearing officer is admissible, unless objected to on grounds set forth herein. The introduction of evidence may be limited or barred upon objection of any party, or by the hearing officer upon his own motions. Hearings conducted under this rule are not bound by the formal rules of evidence prescribed for civil actions in district or higher courts, and in this connection, the following rules apply.

1. Hearsay evidence may be introduced if it corroborates competent evidence found in the record. The hearing officer will determine how much weight, if any, to give to hearsay evidence. Evidence concerning the reliability and probative value of any introduced hearsay evidence may also be admitted.

2. Unduly repetitious evidence, whether testimonial or documentary, shall be excluded when such exclusion will not materially prejudice the rights of a party.

3. The hearing officer may allow oral testimony to be given under direct examination by narration rather than through question and answer. The hearing officer may allow or require any oral testimony to be submitted in written form upon agreement of both parties.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1740 (August 2002).

§3417. Hearing Conduct and Decorum

A. At any hearing or meeting, the hearing officer shall have the authority to regulate the course of the proceedings and the conduct of all persons present, including the right to have any person, for misconduct or refusal to obey orders, removed from the hearing, banned from further participation or introduction of evidence, dismissed as a party or subjected to such other sanctions or restrictions he deems appropriate. The hearing officer may, at any time, continue the meeting or hearing to another time and/or location and/or terminate the meeting or hearing to preserve order and decorum. The hearing officer is responsible for insuring that the hearing and/or review of records is conducted in an orderly, fair, and expeditious manner.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1740 (August 2002).

§3419. Decision, Judicial Review, Records

A. The hearing officer shall render a decision which shall include findings of fact, conclusions, and a statement as to the reasons for the decision. The decision shall be rendered within 120 days from the receipt of the Request for Appeal by the state agency. The decision shall be served to the institution by the hearing officer and shall constitute the final state agency action for purposes of judicial or other review. The decision of the hearing officer can be appealed as provided by law.

B. The appeal record, where the institution chooses to submit written information to dispute the state agency action taken against it, shall consist of that written information together with such written information as the state agency

chooses to likewise submit to support its Notice of Proposed Action and the decision thereon.

C. The appeal record of a hearing shall consist of the evidence submitted at the hearing, a statement of any matter officially noticed, offers of proof, objections and rulings thereon, a recording of the hearing procedures, and the hearing officer's decision. A verbatim transcript of the recorded proceedings shall not be accomplished unless requested by one of the parties, at its cost, or in the event of a judicial appeal.

D. The hearing officer shall be the custodian of the records. The appeal record shall be maintained for a period of not less than three years from the date the decision is mailed to the institution or the date of the submission of the final claim for reimbursement of the action involving the appeal or resolving of the action, whichever comes later.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1740 (August 2002).

Weegie Peabody
Executive Director

0208#023

RULE

Board of Elementary and Secondary Education

Bulletin 1196C Louisiana Food and Nutrition Programs,
Policies of OperationC Procurement Systems
(LAC 28:XLIX.1503 and 2515)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended §1503 and §2515 of Bulletin 1196, *Louisiana Food and Nutrition Programs, Policies of Operation*. Bulletin 1196 is the policy manual designed to provide useful guidance and information for the purpose of improving regulatory compliance and to enhance the understanding and operation of the Child Nutrition Programs in Louisiana. These amendments will incorporate all federal and state policy changes which have already been implemented by the School Food Authorities.

Title 28

EDUCATION

Part XLIX. Bulletin 1196C Louisiana Food and Nutrition Programs, Policies of Operation

§1503. Procurement Systems

A. - A.5.f.i.(b). ...

(c). The financial and technical resources of the bidder are not adequate.

(d). There is evidence of noncompliance with public policy (EEO, EPA, etc.).

A.5.f.ii. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 27:2183 (December 2001), LR 28:1740 (August 2002).

§2515. Records

A. ...

B. The annual deadline for Summer Food Service Program sponsor applications is April 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:191-199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:2203 (December 2001), amended LR 28:1740 (August 2002).

Weegie Peabody
Executive Director

0208#024

RULE

Board of Elementary and Secondary Education

Bulletin 1963C Louisiana State Arts Content Standards
(LAC 28:LI.Chapters 1-9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 1963, *Louisiana Arts Content Standards*. Bulletin 1963 will be printed in codified format as Part LI of the *Louisiana Administrative Code* and reference to this bulletin will be repealed from LAC 28:1.930.C. The *Louisiana Arts Content Standards* will align the curriculum with desired changes to promote a more relevant arts education curriculum for all students. The *Louisiana Arts Content Standards* will be disseminated to local school districts following publication. The standards and benchmarks therein will be used to guide curriculum development for all arts education courses. Implementation of the guidelines set forth in the *Louisiana Arts Content Standards* will improve educational practices and coherence in the local art education programs.

Title 28

EDUCATION

Part LI. Louisiana Arts Content Standards

Chapter 1. General Provisions

§101. Introduction

A. The arts, dance, theatre arts, visual arts, and music are fundamental to the intellectual, social, emotional, and physical development of Louisiana students for the twenty-first century. The arts draw on a range of intelligence and learning styles not addressed in most educational environments.

B. Students of the arts are encouraged to use their imaginations, to develop personal discipline, and to find multiple solutions to problems. They learn to respond to events and experiences with confidence and to communicate their feelings and viewpoints through appropriate creative outlets.

C. Business demands workers who possess an ability to communicate, to be flexible, and to diagnose problems and find creative solutions. The arts preceded speech as man's first language; they assist in the development of the skills of communication and the integration of basic skills of reading, writing, science, and mathematics. These skills help students shape their lives, their communities, and their nation. The arts make all subjects come alive.

D. The Louisiana Arts Content Standards bring together the basic content of the four disciplines of dance, theatre arts, visual arts, and music into one common set of standards essential for a comprehensive arts education. The twenty-first century, the age of information, will require more from

the next generation of students. The relevance of education in a rapidly changing society will depend on converging the aims of education and the workforce for well-rounded, educated students who will be productive members of society. The arts will assist in the achievement of these aims with the implementation of these rigorous and challenging content standards.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1741 (August 2002).

§103. Standards of Arts Education

A. Creative Expression. Creative expression is the ability to imagine, organize and interpret ideas for expression in the process of creating and producing art forms which involve inspiration, analysis, and problem solving.

1. Standard. Students develop creative expression through the application of knowledge, ideas, communication skills, organization abilities and imagination.

B. Aesthetic Perception. Aesthetic perception is the ability to observe, understand, and respond to ideas, experiences and the unique characteristics of natural and created environments, and to make informed judgments about the meaning of the arts.

1. Standard. Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

C. Historical Perspective and Cultural Perception. Historical perspective and cultural perception is the ability to recognize the arts as a reflection of individual and cultural expression and to appreciate the aspects of history and human experience.

1. Standard. Students develop historical perspective and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

D. Critical Analysis. Critical analysis is the ability to interpret, analyze and synthesize the performing and visual arts to form judgments based on sufficient and appropriate criteria.

1. Standard. Students make informed verbal and written observations about the arts by developing critical analysis skills through the study of and exposure to the arts.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1741 (August 2002).

§105. Definitions

Assessment Ca process through which evidence is gathered in a range of content areas to determine both a student's understanding and the ability to apply that understanding.

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

Content Area Ca field of study or branch of knowledge formally referred to as a subject area or discipline.

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

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

*Foundation Skills*Cprocesses that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

*Framework*Ca document for a content area that reflects national standards and provides a guiding vision of its content and purpose.

*Integrated*Crefers to combining the elements across the various content areas or frameworks.

*Interdisciplinary*Crefers to combining the elements across the various content areas or frameworks.

*Performance Standards*Crefers to the level of knowledge or proficiency students should manifest as a result of their education.

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1741 (August 2002).

Chapter 3. Dance
Subchapter A. Creative Expression

§301. Focus

A. Creative expression opens an avenue for the application of individual ideas, feelings, and expressions. The use of a variety of media and techniques provides an opportunity for the individual to develop, organize, and interpret knowledge for communication. The skills of analysis, problem solving, cooperative involvement, and disciplined behavior contribute to a successful school environment and prepare the individual to become a productive member of society.

1. Standard. Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1742 (August 2002).

§303. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CE-1D-E1	Use kinesthetic awareness, proper use of space, and the ability to move safely	(2,5)
CE-1D-E2	Identify and explore basic skills, the elements of dance (space, time and energy) and dance vocabulary	(2)
CE-1D-E3	Recognize that dance is a way to create and communicate ideas and feelings	(1)
CE-1D-E4	Discuss and explore the process of making a dance	(1, 2, 3, 5)
CE-1D-E5	Execute improvised and set movement patterns with concentration and focus individually and in groups	(2,5)

CE-1D-E6	Explore the relationship among dance, other arts, and disciplines outside the arts	(3,4)
CE-1D-E7	Explore technical dimensions of dance individually and collaboratively such as performance space, accompaniment, current technology, and set design	(1, 3, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1742 (August 2002).

§305. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CE-1D-M1	Demonstrate self-monitoring and effective use of space	(2,5)
CE-1D-M2	Recognize and explore the dance elements and vocabulary to increase basic skills and knowledge	(2)
CE-1D-M3	Demonstrate the ability to use dance as a language and means of communication	(1, 2, 4, 5)
CE-1D-M4	Recognize and demonstrate the concepts of improvisation, choreography, and different dance structures such as canon and unison	(2, 4, 5)
CE-1D-M5	Perform dance compositions informally and formally	(1, 4, 5)
CE-1D-M6	Identify and discuss relationships among dance, other arts, and disciplines outside the arts	(3, 4, 5)
CE-1D-M7	Use technical dimensions of dance individually and collaboratively	(1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1742 (August 2002).

§307. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CE-1D-H1	Incorporate kinesthetic awareness, use of space and self-evaluation to refine performance skills	(2, 4, 5)
CE-1D-H2	Utilize and expand dance vocabulary and develop technical skills	(2, 4)
CE-1D-H3	Utilize dance as an expression of individual ideas and feelings	(1, 2, 5)
CE-1D-H4	Incorporate the concepts of improvisation, choreography, and dance structures into dance compositions	(1, 2, 4, 5)
CE-1D-H5	Present and evaluate movement studies designed to display skills and techniques	(1,2, 4)
CE-1D-H6	Present a multi-disciplinary dance project	(3, 4, 5)
CE-1D-H7	Manipulate technical dimensions of dance individually and collaboratively	(1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1742 (August 2002).

§309. Creative Expression C Grade Cluster

Grade Cluster	K–4	5–8	9–12
Benchmark 1	Use kinesthetic awareness, proper use of space and the ability to move safely; (2, 5)	Demonstrate self-monitoring and effective use of space; (2, 5)	Incorporate kinesthetic awareness, use of space and self-evaluation to refine performance skills; (2, 4, 5)
Benchmark 2	Identify and explore basic skills, the elements of dance (space, time, and energy) and dance vocabulary; (2)	Recognize and explore the dance elements and vocabulary to increase basic skills and knowledge; (2)	Utilize and expand dance vocabulary and develop technical skills; (2, 4)
Benchmark 3	Recognize that dance is a way to create and communicate ideas and feelings; (1)	Demonstrate the ability to use dance as a language and means of communication; (1, 2, 4, 5)	Utilize dance as an expression of individual ideas and feelings; (1, 2, 5)
Benchmark 4	Discuss and explore the process of making a dance; (1, 2, 3, 5)	Recognize and demonstrate the concepts of improvisation, choreography, and different dance structures such as canon and unison; (2, 4, 5)	Incorporate the concepts of improvisation, choreography and dance structures into dance compositions; (1, 2, 4, 5)
Benchmark 5	Execute improvised and set movement patterns with concentration and focus individually and in groups; (2, 5)	Perform dance compositions informally and formally; (1, 4, 5)	Present and evaluate movement studies designed to display skills and techniques; (1, 2, 4)
Benchmark 6	Explore the relationship among dance, other arts, and disciplines outside the arts; (3, 4)	Identify and discuss relationships among dance, other arts, and disciplines outside the arts; (3, 4, 5)	Present a multi-disciplinary dance project; (3, 4, 5)
Benchmark 7	Explore technical dimensions of dance individually and collaboratively such as performance space, accompaniment, current technology, and set design. (1, 3, 5)	Use technical dimensions of dance individually and collaboratively. (1, 3, 4, 5)	Manipulate technical dimensions of dance individually and collaboratively. (1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1743 (August 2002).

Subchapter B. Aesthetic Perception

§321. Focus

A. The study of aesthetics, or the philosophy of the arts, supplies the individual with a structure for analyzing, interpreting, and responding to the arts. An understanding of aesthetics empowers the individual to make informed personal interpretations of artistic expressions and to develop an awareness of the concepts and ideas of others. The individual questions concepts, weighs evidence and information, examines intuitive reactions, and develops personal conclusions about the values in works of art.

1. Standard. Students will develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1743 (August 2002).

§323. Benchmarks K–4

A. In grades K–4, what students should know and be able to do includes:

AP-2D-E1	Recognize and respond to sensory and emotional experiences in dance	(1, 4)
AP-2D-E2	Recognize and respond to ideas and creations of others through the study of dance	(1, 4)
AP-2D-E3	Understand there are many choices available in the creative process of choreography	(1, 3, 4)
AP-2D-E4	Discuss the thoughts and feelings created by the works of choreographers	(1,3)
AP-2D-E5	Recognize that there are differences between styles of dance	(2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1743 (August 2002).

§325. Benchmarks 5-8

A. In grades 5–8, what students should know and be able to do includes:

AP-2D-M1	Utilize dance vocabulary and elements of dance for responding to the aesthetic qualities of works of dance	(1, 2, 4)
AP-2D-M2	Recognize and communicate that the concept of beauty differs from culture to culture	(1, 4)
AP-2D-M3	Identify and explore the meaning of dance and choreography to culture and environment	(1, 3, 4)
AP-2D-M4	Communicate new ideas, possibilities, options, and situations pertaining to the world of dance	(1, 3, 4)
AP-2D-M5	Identify, reflect, and distinguish differences among styles of dance	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1744 (August 2002).

§327. Benchmarks 9–12

A. In grades 9–12, what students should know and be able to do includes:

AP-2D-H1	Use an expanded dance vocabulary when responding to the aesthetic qualities of dance	(1, 2, 4)
AP-2D-H2	Analyze the unique characteristics of dance as it reflects the quality of everyday life in various cultures	(1, 2, 3, 4)
AP-2D-H3	Use descriptors, analogies, and other metaphors to express the impact of dance on our senses, intellects, and emotions	(1, 4)
AP-2D-H4	Assimilate and communicate the multiple possibilities and options available in dance	(1, 3, 4, 5)
AP-2D-H5	Question/weigh evidence and information, examine intuitive reaction, and draw personal conclusions about dance	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1744 (August 2002).

§329. Aesthetic PerceptionC Grade Cluster

Grade Cluster	K–4	5–8	9–12
Benchmark 1	Recognize and respond to sensory and emotional experiences in dance; (1, 4)	Utilize dance vocabulary and elements of dance for responding to the aesthetic qualities of works of dance; (1, 2, 4)	Use an expanded dance vocabulary when responding to the aesthetic qualities of dance; (1, 2, 4)
Benchmark 2	Recognize and respond to the ideas and creations of others through the study of dance; (1, 4)	Recognize and communicate that the concept of beauty differs from culture to culture; (1, 4)	Analyze the unique characteristics of dance as it reflects the quality of everyday life in various cultures; (1, 2, 3, 4)
Benchmark 3	Understand there are many choices available in the creative process of choreography; (1, 3, 4)	Identify and explore the meaning of dance and choreography to culture and environment; (1, 3, 4)	Use descriptors, analogies, and other metaphors to express the impact of dance on our senses, intellects, and emotions; (1, 4)
Benchmark 4	Discuss the thoughts and feelings created by the works of choreographers; (1, 3)	Communicate new ideas, possibilities, options, and situations pertaining to the world of dance; (1, 3, 4)	Assimilate and communicate the multiple possibilities and options available in dance; (1, 3, 4, 5)
Benchmark 5	Recognize that there are differences between styles of dance. (2, 3, 4)	Identify, reflect and distinguish differences among styles of dance. (1, 2, 3, 4)	Question/weigh evidence and information, examine intuitive reaction, and draw personal conclusions about dance. (1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1744 (August 2002).

Subchapter C. Historical Perspective and Cultural Perception

§331. Focus

A. Historical and cultural perception is the vehicle for understanding works of art in time and place. The arts survive through times of interruption and neglect; they outlive governments, creed, societies, and even the civilizations that spawned them. The artist is a harbinger of change, a translator of social thought, an analyst of cultures, a poetic scientist, and a recorder of history. To understand

creative output in the history of the arts is to understand history itself.

1. Standard. Students will develop historical perspective and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1744 (August 2002).

§333. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

HP-3D-E1	Explore and discuss that dance throughout history is a record of human experience	(3, 4)
HP-3D-E2	Observe and recognize the styles of dance in various cultures	(3, 4, 5)
HP-3D-E3	Introduce great dance works, innovators, and performers who have shaped history	(4, 5)
HP-3D-E4	Identify and explore dance careers throughout history	(3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1744 (August 2002).

§335. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

HP-3D-M1	Recognize and explore the role of dance in various cultures	(3, 4)
HP-3D-M2	Classify and distinguish between different dance styles from historical, contemporary, and cultural perspectives	(1, 2, 4)
HP-3D-M3	Explore and discuss the influences of great dance works, innovators, and performers who have shaped history	(2, 3, 4)
HP-3D-M4	Recognize current career opportunities in dance	(3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1745 (August 2002).

§337. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

HP-3D-H1	Identify and analyze universal themes and values of various cultures as they are exhibited in dance	(1, 5)
HP-3D-H2	Analyze and categorize styles as they relate to cultural, social, political, and economic environments	(2, 3, 4, 5)
HP-3D-H3	Compare and contrast current dance trends and creators with those of the past	(2, 3, 4)
HP-3D-H4	Present the career components of dance production	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1745 (August 2002).

§339. Historical Perspective and Cultural PerceptionC Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Explore and discuss that dance throughout history is a record of human experience; (3, 4)	Recognize and explore the role of dance in various cultures; (3, 4)	Identify and analyze universal themes and values of various cultures as they are exhibited in dance; (1, 5)
Benchmark 2	Observe and recognize the styles of dance in various cultures; (3, 4, 5)	Classify and distinguish between different dance styles from historical, contemporary, and cultural perspectives; (1, 2, 4)	Analyze and categorize styles as they relate to cultural, social, political, and economic environments; (2, 3, 4, 5)
Benchmark 3	Introduce great dance works, innovators and performers who have shaped history; (4, 5)	Explore and discuss the influences of great dance works, innovators, and performers who have shaped history; (2, 3, 4)	Compare and contrast current dance trends and creators with those of the past; (2, 3, 4)
Benchmark 4	Identify and explore dance careers throughout history. (3, 4)	Recognize current career opportunities in dance. (3, 4)	Present the career components of dance production. (1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1745 (August 2002).

Subchapter D. Critical Analysis

§345. Focus

A. Critical analysis is the process of inquiry associated with an individual’s knowledge of the arts. Communication about the arts in a structured way provides the individual with means to observe, describe, analyze, and make critical, reasoned judgments about the form and content of the arts.

1. Standard. Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1745 (August 2002).

§347. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CA-4D-E1	Observe and identify the basic movements in dance	(1, 4)
CA-4D-E2	Identify basic examples of the dance elements in various dance experiences	(1, 4)
CA-4D-E3	Explore and discuss sequence in a performance	(1, 2)

CA-4D-E4	Recognize basic differences in the processes of creating, performing, and observing dance	(4, 5)
CA-4D-E5	Communicate individual feelings toward the dance experience	(1, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1745 (August 2002).

§349. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CA-4D-M1	Recognize the content and expression of various dance styles	(1, 4)
CA-4D-M2	Recognize and identify how elements of dance communicate the choreographic intent	(1, 2)
CA-4D-M3	Describe the use of aesthetic principles such as unity, contrast, continuity, and climax in dance	(1, 2, 4)
CA-4D-M4	Compare and contrast the differing roles in the process of creating, performing, and observing dance	(1, 2, 5)
CA-4D-M5	Apply dance vocabulary in dance critiques	(1, 2, 3, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1746 (August 2002).

§351. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CA-4D-H1	Develop a criterion for forming personal preferences and opinions of dance styles	(1, 2, 3, 4, 5)
CA-4D-H2	Describe and demonstrate the choreographic intent of dance	(1, 2)
CA-4D-H3	Apply aesthetic principles and choreographic criteria to critique dance	(1, 2, 3, 4)
CA-4D-H4	Use aesthetic principles and factors to establish individual attitudes toward creating, performing, and observing dance	(1, 2, 4, 5)
CA-4D-H5	Expand the ability to communicate and justify aesthetic responses to the dance experience	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1746 (August 2002).

§353. Critical Analysis C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Observe and identify the basic movements in dance; (1, 4)	Recognize the content and expression of various dance styles; (1, 4)	Develop a criterion for forming personal preferences and opinions of dance styles; 1, 2, 3, 4, 5)
Benchmark 2	Identify basic examples of the dance elements in various dance experiences; (1, 4)	Recognize and identify how elements of dance communicate the choreographic intent; (1, 2)	Describe and demonstrate the choreographic intent of dance; (1, 2)
Benchmark 3	Explore and discuss sequence in a performance; (1, 2)	Describe the use of aesthetic principles such as unity, contrast, continuity, and climax in dance; (1, 2, 4)	Apply aesthetic principles and choreographic criteria to critique dance; (1, 2, 3, 4)
Benchmark 4	Recognize basic differences in the processes of creating, performing, and observing dance; (4, 5)	Compare and contrast the differing roles in the process of creating, performing, and observing dance; (1, 2, 5)	Use aesthetic principles and factors to establish individual attitudes toward creating, performing, and observing dance; (1, 2, 4, 5)
Benchmark 5	Communicate individual feelings toward the dance experience. (1, 5)	Apply dance vocabulary in dance critiques. (1, 2, 3, 5)	Expand the ability to communicate and justify aesthetic responses to the dance experience. (1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1746 (August 2002).

Chapter 5. Music

Subchapter A. Creative Expression

§501. Focus

A. Creative Expression opens an avenue for the application of individual ideas, feelings, and expressions. The use of a variety of media and techniques provides an opportunity for the individual to develop, organize, and interpret knowledge for communication. The skills of

analysis, problem solving, cooperative involvement, and disciplined behavior contribute to a successful school environment and prepare the individual to become a productive member of society.

1. Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1746 (August 2002).

§503. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CE-1M-E1	Recognize and imitate simple melodies and rhythmic patterns using voice, musical instruments, or other sound sources	(1, 3, 4)
CE-1M-E2	Identify basic notational symbols and vocabulary that convey precise musical meanings	(1, 2, 3, 4)
CE-1M-E3	Perform, improvise, and compose simple musical ideas	(2, 3, 4)
CE-1M-E4	Explore basic elements of music using voice, musical instruments, electronic technology, or available media	(3)
CE-1M-E5	Participate in organized activities including singing, playing, and movement	(1, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1747 (August 2002).

§505. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CE-1M-M1	Identify and perform melodic and rhythmic patterns using voice, musical instruments, or other sound sources, both individually and in ensembles	(1, 3, 4, 5)
CE-1M-M2	Interpret notational symbols and vocabulary that convey precise musical meanings	(1, 2, 3, 4)
CE-1M-M3	Improvise, perform, and compose written music	(2, 3, 4)

§509. Creative Expression C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize and imitate simple melodies and rhythmic patterns using voice, musical instruments, or other sound sources; (1, 3, 4)	Identify and perform melodic and rhythmic patterns using voice, musical instruments, or other sound sources, both individually and in ensembles; (1, 3, 4, 5)	Create and improvise advanced musical forms using voice, musical instruments, or other sound sources, both individually and in ensembles; (1, 2, 3, 4, 5)
Benchmark 2	Identify basic notational symbols and vocabulary that convey precise musical meanings; (1, 2, 3, 4)	Interpret notational symbols and vocabulary that convey precise musical meanings; (1, 2, 3, 4)	Apply with technical accuracy notational symbols and vocabulary that convey precise musical meanings; (1, 2, 3, 4)
Benchmark 3	Perform, improvise, and compose simple musical ideas; (2, 3, 4)	Improvise; perform, and compose written music; (2, 3, 4)	Improvise, perform, and compose advanced compositions; (2, 3, 4)
Benchmark 4	Explore basic elements of music using voice, musical instruments, electronic technology, or available media; (3)	Identify and demonstrate elements of music, using voice, musical instruments, electronic technology, or other available media; (1, 3, 4)	Interpret and apply elements of music using preferred medium of performance; (1, 3, 4)
Benchmark 5	Participate in organized activities including singing, playing, and movement. (1, 5)	Perform in organized activities including singing, playing, and movement. (1, 5)	Perform in musical ensembles using a preferred performance medium. (1, 5)

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

CE-1M-M4	Identify and demonstrate elements of music, using voice, musical instruments, electronic technology, or other available media	(1, 3, 4)
CE-1M-M5	Participate in organized activities including singing, playing, and movement	(1, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1747 (August 2002).

§507. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CE-1M-H1	Create and improvise advanced musical forms using voice, musical instruments, or other sound sources, both individually and in ensembles	(1, 2, 3, 4, 5)
CE-1M-H2	Apply with technical accuracy notational symbols and vocabulary that convey precise musical meanings	(1, 2, 3, 4)
CE-1M-H3	Improvise, perform, and compose advanced compositions	(2, 3, 4)
CE-1M-H4	Interpret and apply elements of music using preferred medium of performance	(1, 3, 4)
CE-1M-H5	Perform in musical ensembles using a preferred performance medium	(1, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1747 (August 2002).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1747 (August 2002).

Subchapter B. Aesthetic Perception

§515. Focus

A. The study of aesthetics, or the philosophy of the arts, supplies the individual with a structure for analyzing, interpreting, and responding to the arts. An understanding of aesthetics empowers the individual to make informed personal interpretations of artistic expressions and to develop an awareness of the concepts and ideas of others. The individual questions concepts, weighs evidence and information, examines intuitive reactions, and develops personal conclusions about the values in works of art.

1. Standard. Students will develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1748 (August 2002).

§517. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

AP-2M-E1	Use simple music vocabulary to discuss individual work and the works of others	(1, 4)
AP-2M-E2	Develop and communicate an awareness of ideas and creations of others through the study of music	(1, 4, 5)
AP-2M-E3	Develop an awareness of how music is used in daily life, in the workplace, and within the community	(1, 4, 5)
AP-2M-E4	Explore various choices available in the creative processes of music	(1, 3, 4)
AP-2M-E5	Participate in elementary inquiry into the basic question "What is music?"	(1, 3)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1748 (August 2002).

§523. Aesthetic PerceptionC Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Use simple music vocabulary to discuss individual's work and the works of others; (1, 4)	Use expanded music vocabulary to interpret the aesthetic qualities of musical compositions; (1, 2, 3, 4)	Use advanced music vocabulary to respond to aesthetic qualities of music; (1, 2, 3, 4)
Benchmark 2	Develop and communicate an awareness of ideas and creations of others through the study of music; (1, 4, 5)	Recognize different concepts of beauty in various cultures; (1, 4, 5)	Analyze the unique characteristics of music used for different purposes in various cultures; (1, 2, 3, 4, 5)
Benchmark 3	Develop an awareness of how music is used in daily life, in the workplace, and within the community; (1, 4, 5)	Identify and explore music and the roles of musicians in differing cultures and environments; (1, 3, 4, 5)	Express the impact of music on intellect and emotion; (1, 3, 4, 5)
Benchmark 4	Explore various choices available in the creative processes of music; (1, 3, 4)	Examine traditional and technological options as they pertain to creative processes in music; (1, 3, 4)	Compare and contrast traditional and technological options available for artistic expression in music; (1, 2, 3, 4)
Benchmark 5	Participate in elementary inquiry into the basic question "What is music?" (1, 3)	Identify, reflect, and distinguish differences in the elements of music as heard in musical works. (1, 3, 4)	Articulate intuitive reactions and draw personal conclusion about musical works. (1, 3, 4)

§519. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

AP-2M-M1	Use expanded music vocabulary to interpret the aesthetic qualities of musical compositions	(1, 2, 3, 4)
AP-2M-M2	Recognize different concepts of beauty in various cultures	(1, 4, 5)
AP-2M-M3	Identify and explore music and the roles of musicians in differing cultures and environments	(1, 3, 4, 5)
AP-2M-M4	Examine traditional and technological options as they pertain to creative processes in music	(1, 3, 4)
AP-2M-M5	Identify, reflect, and distinguish differences in the elements of music as heard in musical works	(1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1748 (August 2002).

§521. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

AP-2M-H1	Use advanced music vocabulary to respond to aesthetic qualities of music	(1, 2, 3, 4)
AP-2M-H2	Analyze the unique characteristics of music used for different purposes in various cultures	(1, 2, 3, 4, 5)
AP-2M-H3	Express the impact of music on intellect and emotion	(1, 3, 4, 5)
AP-2M-H4	Compare and contrast traditional and technological options available for artistic expression in music	(1, 2, 3, 4)
AP-2M-H5	Articulate intuitive reactions and draw personal conclusion about musical works	(1, 3, 4)

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

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Subchapter C. Historical Perspective and Cultural Perception

§533. Focus

A. Historical and cultural perception is the vehicle for understanding works of art in time and place. The arts survive through times of interruption and neglect; they outlive governments, creed, societies, and even the civilizations that spawned them. The artist is a harbinger of change, a translator of social thought, an analyst of cultures, a poetic scientist, and a recorder of history. To understand creative output in the history of the arts is to understand history itself.

1. Standard. Students will develop historical perspective and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 et seq. HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1749 (August 2002).

§535. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

HP-3M-E1	Recognize musical styles representative of various cultures	(1, 3, 4)
HP-3M-E2	Explore and discuss the development of music within historical and cultural contexts	(1, 3, 4)
HP-3M-E3	Recognize musical instruments of various cultures	(1, 2)
HP-3M-E4	Recognize the roles of musicians in various cultures	(1, 3, 4)

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

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

§541. Historical Perspective and Cultural PerceptionC Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize musical styles representative of various cultures; (1, 3, 4)	Identify characteristics of musical styles representative of historical periods and cultures; (1, 2, 3, 4)	Compare and contrast musical styles that represent various historical periods and cultures; (1, 2, 3, 4)
Benchmark 2	Explore and discuss the development of music within historical and cultural contexts; (1, 3, 4)	Compare and contrast the characteristics of music within historical and cultural contexts; (1, 2, 3, 4)	Analyze the role of music as it fulfills societal needs within historical and cultural contexts; (1, 2, 3, 4, 5)
Benchmark 3	Recognize musical instruments of various cultures; (1, 2)	Identify specific uses of musical instruments in various cultures. (1, 3, 4)	Compare and contrast uses of musical instruments in various cultures; (1, 2, 3, 4)
Benchmark 4	Recognize the roles of musicians in various cultures. (1, 3, 4)	Explore and discuss the roles of musicians in various cultures. (1, 3, 4)	Compare and contrast the roles of prominent musicians within various cultures. (1, 3, 4, 5)

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

Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1749 (August 2002).

§537. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

HP-3M-M1	Identify characteristics of musical styles representative of historical periods and cultures	(1, 2, 3, 4)
HP-3M-M2	Compare and contrast the characteristics of music within historical and cultural contexts	(1, 2, 3, 4)
HP-3M-M3	Identify specific uses of musical instruments in various cultures	(1, 3, 4)
HP-3M-M4	Explore and discuss the roles of musicians in various cultures	(1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1749 (August 2002).

§539. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

HP-3M-H1	Compare and contrast musical styles that represent various historical periods and cultures	(1, 2, 3, 4)
HP-3M-H2	Analyze the role of music as it fulfills societal needs within historical and cultural contexts	(1, 2, 3, 4, 5)
HP-3M-H3	Compare and contrast uses of musical instruments in various cultures	(1, 2, 3, 4)
HP-3M-H4	Compare and contrast the roles of prominent musicians within various cultures	(1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1749 (August 2002).

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

Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1749 (August 2002).

Subchapter D. Critical Analysis

§547. Focus

A. Critical analysis is the process of inquiry associated with an individual’s knowledge of the arts. Communication about the arts in a structured way provides the individual with means to observe, describe, analyze, and make critical, reasoned judgments about the form and content of the arts.

1. Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1750 (August 2002).

§549. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CA-4M-E1	Develop an awareness of musical elements, forms, and styles through participation in musical experiences	(1, 2, 3, 5)
CA-4M-E2	Demonstrate behavior appropriate for varied musical environments	(1, 3, 4, 5)
CA-4M-E3	Explore music as a part of celebrations, ceremonies, and other special occasions	(1, 2, 3, 4, 5)
CA-4M-E4	Identify relationships among music, other art forms, and disciplines outside the arts	(1, 3, 4)
CA-4M-E5	Identify elements of music through listening activities	(1, 2, 3)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1750 (August 2002).

§551. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CA-4M-M1	Analyze musical experiences with regard to fundamental elements, forms, and styles	(1, 2, 3, 4)
CA-4M-M2	Demonstrate and discuss behavior appropriate for varied musical environments	(1, 3, 4, 5)
CA-4M-M3	Recognize and identify the purpose and appropriateness of music in relation to celebrations, ceremonies, and events	(1, 2, 3, 4, 5)
CA-4M-M4	Investigate relationships among music, other art forms, and disciplines outside the arts	(1, 2, 3, 4)
CA-4M-M5	Explore elements of music through listening to a variety of musical examples	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1750 (August 2002).

§553. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CA-4M-H1	Utilize appropriate vocabulary to communicate informed judgments about musical experiences	(1, 2, 3, 4,)
CA-4M-H2	Experience and evaluate behavior appropriate for varied musical environments	(1, 2, 3, 4, 5)
CA-4M-H3	Analyze appropriateness of music choices as they relate to purpose	(1, 2, 3, 4, 5)
CA-4M-H4	Identify commonalities and differences among music, other art forms, and disciplines outside the arts	(1, 2, 3, 4)
CA-4M-H5	Analyze elements of music through listening to a variety of musical examples	(1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1750 (August 2002).

§555. Critical Analysis C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Develop an awareness of musical elements, forms, and styles through participation in musical experiences; (1, 2, 3, 5)	Analyze musical experiences with regard to fundamental elements, forms, and styles; (1, 2, 3, 4)	Utilize appropriate vocabulary to communicate informed judgments about musical experiences; (1, 2, 3, 4,)
Benchmark 2	Demonstrate behavior appropriate for varied musical environments; (1, 3, 4, 5)	Demonstrate and discuss behavior appropriate for varied musical environments; (1, 3, 4, 5)	Experience and evaluate behavior appropriate for varied musical environments; (1, 2, 3, 4, 5)
Benchmark 3	Explore music as a part of celebrations, ceremonies, and other special occasions; (1, 2, 3, 4, 5)	Recognize and identify the purpose and appropriateness of music in relation to celebrations, ceremonies, and events; (1, 2, 3, 4, 5)	Analyze appropriateness of music choices as they relate to purpose; (1, 2, 3, 4, 5)
Benchmark 4	Identify relationships among music, other art forms, and disciplines outside the arts; (1, 3, 4)	Investigate relationships among music, other art forms, and disciplines outside the arts; (1, 2, 3, 4)	Identify commonalities and differences among music, other art forms, and disciplines outside the arts; (1, 2, 3, 4)
Benchmark 5	Identify elements of music through listening activities. (1, 2, 3)	Explore elements of music through listening to a variety of musical example. (1, 2, 3, 4)	Analyze elements of music through listening to a variety of musical examples. (1, 2, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1750 (August 2002).

Chapter 7. Theatre Arts
Subchapter A. Creative Expression

§701. Focus

A. Creative Expression opens an avenue for the application of individual ideas, feelings, and expressions. The use of a variety of media and techniques provides an opportunity for the individual to develop, organize, and interpret knowledge for communication. The skills of analysis, problem solving, cooperative involvement, and disciplined behavior contribute to a successful school environment and prepare the individual to become a productive member of society.

1. Standard. Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1751 (August 2002).

§703. Benchmarks K–4

A. In grades K–4, what students should know and be able to do includes:

CE-1TH-E1	Explore and identify various emotions in interpersonal settings	(1, 4)
CE-1TH-E2	Interact in group situations and show differentiation of roles through experimentation and role playing	(1, 2, 3, 4, 5)
CE-1TH-E3	Identify and exhibit physical and emotional dimensions of characterization through experimentation and role playing	(1, 2, 4, 5)
CE-1TH-E4	Create story lines for improvisation	(1, 2, 3, 4)
CE-1TH-E5	Explore technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, costuming, make-up	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1751 (August 2002).

§709. Creative Expression C Grade Cluster

Grade Cluster	K–4	5–8	9–12
Benchmark 1	Explore and identify various emotions in interpersonal settings; (1, 4)	Explore self-expression and various emotions individually and in groups; (1, 4, 5)	Develop intrapersonal skills as an individual and as a performer; (1, 2)
Benchmark 2	Interact in group situations and show differentiation of roles through experimentation and role playing; (1, 2, 3, 4, 5)	Demonstrate role playing in single and interpersonal relationships; (1, 2, 4, 5)	Practice group performance dynamics that enhance characterization and interpret psychological motivation; (1, 2, 4, 5)

§705. Benchmarks 5–8

A. In grades 5–8, what students should know and be able to do includes:

CE-1TH-M1	Explore self-expression and various emotions individually and in groups	(1, 4, 5)
CE-1TH-M2	Demonstrate role playing in single and interpersonal relationships	(1, 2, 4, 5)
CE-1TH-M3	Demonstrate performance techniques, both physically and vocally, appropriate to a variety of characters	(1, 2, 4)
CE-1TH-M4	Create scripts from improvisational activities	(1, 2, 3, 4, 5)
CE-1TH-M5	Use technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, costuming, set design, make-up	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S.17.24.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1751 (August 2002).

§707. Benchmarks 9–12

A. In grades 9–12, what students should know and be able to do includes:

CE-1TH-H1	Develop intrapersonal skills as an individual and as a performer	(1, 2)
CE-1TH-H2	Practice group performance dynamics that enhance characterization and interpret psychological motivation	(1, 2, 4, 5)
CE-1TH-H3	Demonstrate performance methods, styles, and techniques	(1, 2, 3, 4)
CE-1TH-H4	Write scripts for classroom, stage, and media performance, using various forms of technology	(1, 2, 3, 4)
CE-1TH-H5	Manipulate technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, set design and construction, costuming, make-up, properties, lights, sound, multimedia and management	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1751 (August 2002).

Grade Cluster	K-4	5-8	9-12
Benchmark 3	Identify and exhibit physical and emotional dimensions of characterization through experimentation and role playing; (1, 2, 4, 5)	Demonstrate performance techniques, both physically and vocally, appropriate to a variety of characters; (1, 2, 4)	Demonstrate performance methods, styles, and techniques; (1, 2, 3, 4)
Benchmark 4	Create story lines for improvisation; (1, 2, 3, 4)	Create scripts from improvisational activities; (1, 2, 3, 4, 5)	Write scripts for classroom, stage, and media performance, using various forms of technology; (1, 2, 3, 4)
Benchmark 5	Explore technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, costuming, make-up. (1, 2, 3, 4, 5)	Use technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, costuming, set design, make-up. (1, 2, 3, 4, 5)	Manipulate technical dimensions of the dramatic form individually and collaboratively such as theatrical space, scenery, set design and construction, costuming, make-up, properties, lights, sound, multimedia and management. (1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1751 (August 2002).

Subchapter B. Aesthetic Perception

§719. Focus

A. The study of aesthetics, or the philosophy of the arts, supplies the individual with a structure for analyzing, interpreting, and responding to the arts. An understanding of aesthetics empowers the individual to make informed personal interpretations of artistic expressions and to develop an awareness of the concepts and ideas of others. The individual questions concepts, weighs evidence and information, examines intuitive reactions, and develops personal conclusions about the values in works of art.

1. Students will develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1752 (August 2002).

§721. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

AP-2TH-E1	Recognize and respond to sensory and emotional experiences	(1, 2, 4)
AP-2TH-E2	Respond to others in dramatic activities	(1, 3, 5)
AP-2TH-E3	Practice the basics of listening and responding to demonstrate audience etiquette	(1, 4, 5)
AP-2TH-E4	Explore relationships among the theatre, other arts, and disciplines outside the arts	(1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1752 (August 2002).

§723. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

AP-2TH-M1	Recognize and discuss individual differences in sensory and emotional perceptions	(1, 2, 3, 4)
AP-2TH-M2	Recognize individual and group roles in the collaborative and creative process of drama	(1, 4, 5)
AP-2TH-M3	Recognize and respond to cultural differences displayed in conventional and unconventional roles, productions, and performances	(1, 3, 4, 5)
AP-2TH-M4	Describe relationships among theatre, other arts, and disciplines outside the arts	(1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1752 (August 2002).

§725. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

AP-2TH-H1	Analyze and discuss character transformation and character relationships	(1, 2, 3, 4, 5)
AP-2TH-H2	Discuss and respond to drama and multimedia with social and artistic discipline	(1, 2, 3, 4, 5)
AP-2TH-H3	Construct social and personal meaning from informal and formal productions such as addressing theme, purpose, and point of view	(1, 2, 4)
AP-2TH-H4	Integrate relationships among theatre, other arts, and disciplines outside the arts	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1752 (August 2002).

§727. Aesthetic Perception C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize and respond to sensory and emotional experiences; (1, 2, 4)	Recognize and discuss individual differences in sensory and emotional perceptions; (1, 2, 3, 4)	Analyze and discuss character transformation and character relationships; (1, 2, 3, 4, 5)
Benchmark 2	Respond to others in dramatic activities; (1, 3, 5)	Recognize individual and group roles in the collaborative and creative process of drama; (1, 4, 5)	Discuss and respond to drama and multimedia with social and artistic discipline; (1, 2, 3, 4, 5)
Benchmark 3	Practice the basics of listening and responding to demonstrate audience etiquette; (1, 4, 5)	Recognize and respond to cultural differences displayed in conventional and unconventional roles, productions, and performances; (1, 3, 4, 5)	Construct social and personal meaning from informal and formal productions such as addressing theme, purpose, and point of view; (1, 2, 4)
Benchmark 4	Explore relationships among the theatre, other arts, and disciplines outside the arts. (1, 3, 4, 5)	Describe relationships among theatre, other arts, and disciplines outside the arts. (1, 3, 4)	Integrate relationships among theatre, other arts, and disciplines outside the arts. (1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1753 (August 2002).

Subchapter C. Historical Perspective and Cultural Perception

§737. Focus

A. Historical and cultural perception is the vehicle for understanding works of art in time and place. The arts survive through times of interruption and neglect; they outlive governments, creed, societies, and even the civilizations that spawned them. The artist is a harbinger of change, a translator of social thought, an analyst of cultures, a poetic scientist, and a recorder of history. To understand creative output in the history of the arts is to understand history itself.

1. Standard. Students will develop historical perspective and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1753 (August 2002).

§739. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

HP-3TH-E1	Recognize and discuss the differences in various cultures	(1, 2, 4, 5)
HP-3TH-E2	Recognize and recall the language of theatre arts	(1, 2, 4)
HP-3TH-E3	Recognize characters and situations in literature and media from various historical periods	(1, 4)
HP-3TH-E4	Recognize basic types and forms of theatre and communication arts, which includes media and technology	(1, 4)
HP-3TH-E5	Recognize and identify universal themes reflected in various cultures	(1, 4)

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

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

Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1753 (August 2002).

§741. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

HP-3TH-M1	Describe relationships between artistic expression and artistic choices in various cultures	(1, 2, 3, 4, 5)
HP-3TH-M2	Identify and use terminology and language appropriate to theatrical periods, environments, situations, and characters	(1, 3, 4)
HP-3TH-M3	Describe characters and situations within literary, cultural, and historical contexts	(1, 3, 4)
HP-3TH-M4	Describe patterns, types, and trends in communication and theatre arts, which includes media and technology	(1, 3, 4)
HP-3TH-M5	Identify and discuss ways in which theme has been revealed and developed in various cultures	(1, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1753 (August 2002).

§743. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

HP-3TH-H1	Analyze through a historical perspective the form and content of cultural works	(1, 2, 3, 4, 5)
HP-3TH-H2	Apply cultural and historical information to support period costumes, scripted scenes, scenery, and make-up	(1, 2, 3, 4)
HP-3TH-H3	Demonstrate a knowledge of theatre history and dramatic literature	(1, 3, 4)
HP-3TH-H4	Compare and contrast patterns, types, methods, styles, and trends in communication and theatre arts, which includes media and technology	(1, 2, 3, 4)
HP-3TH-H5	Analyze the universality of theme, situation, and motivation across cultures and time	(1, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1753 (August 2002).

§745. Historical Perspective and Cultural Perception C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize and discuss the differences in various cultures; (1, 2, 4, 5)	Describe relationships between artistic expression and artistic choices in various cultures; (1, 2, 3, 4, 5)	Analyze through a historical perspective the form and content of cultural works; (1, 2, 3, 4, 5)
Benchmark 2	Recognize and recall the language of theatre arts; (1, 2, 4)	Identify and use terminology and language appropriate to theatrical periods, environments, situations, and characters; (1, 3, 4)	Apply cultural and historical information to support period costumes, scripted scenes, scenery, and make-up; (1, 2, 3, 4)
Benchmark 3	Recognize characters and situations in literature and media from various historical periods; (1, 4)	Describe characters and situations within literary, cultural, and historical contexts; (1, 3, 4)	Demonstrate a knowledge of theatre history and dramatic literature; (1, 3, 4)
Benchmark 4	Recognize basic types and forms of theatre and communication arts, which includes media and technology; (1, 4)	Describe patterns, types, and trends in communication and theatre arts, which includes media and technology; (1, 3, 4)	Compare and contrast patterns, types, methods, styles, and trends in communication and theatre arts, which includes media and technology; (1, 2, 3, 4)
Benchmark 5	Recognize and identify universal themes reflected in various cultures. (1, 4)	Identify and discuss ways in which theme has been revealed and developed in various cultures. (1, 4, 5)	Analyze the universality of theme, situation, and motivation across cultures and time. (1, 3, 4, 5)

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

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1754 (August 2002).

§761. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

Subchapter D. Critical Analysis

§757. Focus

A. Critical analysis is the process of inquiry associated with an individual's knowledge of the arts. Communication about the arts in a structured way provides the individual with means to observe, describe, analyze, and make critical, reasoned judgments about the form and content of the arts.

1. Standard. Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

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

CA-4TH-M1	Demonstrate an understanding of the basic principles and elements of media communication	(1, 2, 3, 4)
CA-4 TH-M2	Participate in a critique of scripts, performances and productions	(1, 2, 4)
CA-4 TH-M3	Identify levels and dimensions of characterization	(1, 2, 4)
CA-4 TH-M4	Recognize and identify theatre careers and representative theatre artists in various cultures and historical periods	(1, 4, 5)

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1754 (August 2002).

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§759. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

§763. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CA-4TH-E1	Recognize and respond to basic media experiences such as stage, radio, film, and electronic media	(1, 3, 4)
CA-4 TH-E2	Describe personal observations of scripts and performances	(1, 3, 4)
CA-4 TH-E3	Identify the differences among reality, fantasy, role playing, and media representation	(1, 4)
CA-4 TH-E4	Recognize the function of the artist in creating works of art	(1, 4, 5)

CA-4 TH-H1	Analyze how performers/presenters use movement, voice, language, and technical elements for communication	(1, 2, 3, 4, 5)
CA-4 TH-H2	Select, analyze, and interpret the various aspects of theatrical works, performances, and productions	(1, 2, 3, 4, 5)
CA-4 TH-H3	Question motivation from the perspective of the character in a given situation	(1, 4, 5)
CA-4 TH-H4	Identify and compare the careers, lives, works, and influence of representative theatre artists in various cultures and historical periods	(1, 2, 4, 5)

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

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§765. Critical Analysis C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize and respond to basic media experiences such as stage, radio, film, and electronic media; (1, 3, 4)	Demonstrate an understanding of the basic principles and elements of media communication; (1, 2, 3, 4)	Analyze how performers/ presenters use movement, voice, language, and technical elements for communication; (1, 2, 3, 4, 5)
Benchmark 2	Describe personal observations of scripts and performances; (1, 3, 4)	Participate in a critique of scripts, performances and productions; (1, 2, 4)	Select, analyze, and interpret the various aspects of theatrical works, performances, and productions; (1, 2, 3, 4, 5)
Benchmark 3	Identify the differences among reality, fantasy, role playing, and media representation; (1, 4)	Identify levels and dimensions of characterization; (1, 2, 4)	Question motivation from the perspective of the character in a given situation; (1, 4, 5)
Benchmark 4	Recognize the function of the artist in creating works of art. (1, 4, 5)	Recognize and identify theatre careers and representative theatre artists in various cultures and historical periods. (1, 4, 5)	Identify and compare the careers, lives, works, and influence of representative theatre artists in various cultures and historical periods. (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1755 (August 2002).

Chapter 9. Visual Arts
Subchapter A. Creative Expression

§901. Focus

A. Creative expression opens an avenue for the application of individual ideas, feelings, and expressions. The use of a variety of media and techniques provides an opportunity for the individual to develop, organize, and interpret knowledge for communication. The skills of analysis, problem solving, cooperative involvement, and disciplined behavior contribute to a successful school environment and prepare the individual to become a productive member of society.

1. Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1755 (August 2002).

§903. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CE-1VA-E1	Explore and identify imagery from a variety of sources and demonstrate visual representation	(1, 2)
CE-1VA-E2	Explore techniques and technologies for visual expression and communication	(2, 3)
CE-1VA-E3	Use art vocabulary and the elements and principles of design to communicate the language of art	(1, 2)
CE-1VA-E4	Explore and identify art careers across the disciplines and cultures	(2, 4)

CE-1VA-E5	Work individually and as a group member in a responsible and productive manner	(1, 5)
CE-1VA-E6	Understand relationships among the arts and other disciplines outside the arts	(4)
CE-1VA-E7	Maintain an individual journal or sketchbook	(1, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1755 (August 2002).

§905. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CE-1VA-M1	Demonstrate art methods and techniques in visual representations based on research of imagery	(1, 2)
CE-1VA-M2	Select and apply media, techniques, and technology to visually express and communicate	(1, 2)
CE-1VA-M3	Use the elements and principles of design to visually express individual ideas	(1, 2)
CE-1VA-M4	Communicate knowledge of art concepts and relationships among various cultures, disciplines, and art careers	(2, 4)
CE-1VA-M5	Produce ideas for art productions while engaging in both individual and group activities	(1, 5)
CE-1VA-M6	Identify the relationships between the arts and other disciplines through art production	(4)
CE-1VA-M7	Maintain a sketchbook or journal and develop a portfolio	(1, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1755 (August 2002).

§907. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CE-1VA-H1	Produce works of art that successfully convey a central thought based on ideas, feelings, and memories	(1, 2)
CE-1VA-H2	Apply a variety of media techniques, technologies, and processes for visual expression and communication	(2, 3)
CE-1VA-H3	Recognize and utilize individual expression through the use of the elements of design while exploring compositional problems	(1, 2)
CE-1VA-H4	Produce a visual representation of ideas derived through the study of various cultures, disciplines, and art careers	(2, 4)

CE-1VA-H5	Produce imaginative works of art generated from individual and group ideas	(1, 5)
CE-1VA-H6	Produce works of art that describe and connect art with other disciplines	(4)
CE-1VA-H7	Maintain a sketchbook or journal and develop a portfolio	(1, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1756 (August 2002).

§909. Creative Expression C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Explore and identify imagery from a variety of sources and demonstrate visual representation; (1, 2)	Demonstrate art methods and techniques in visual representations based on research of imagery; (1, 2)	Produce works of art that successfully convey a central thought based on ideas, feelings, and memories; (1, 2)
Benchmark 2	Explore techniques and technologies for visual expression and communication; (2, 3)	Select and apply media, techniques, and technology to visually express and communicate; (1, 2)	Apply a variety of media techniques, technologies, and processes for visual expression and communication; (2, 3)
Benchmark 3	Use art vocabulary and the elements and principles of design to communicate the language of art; (1, 2)	Use the elements and principles of design to visually express individual ideas; (1, 2)	Recognize and utilize individual expression through the use of the elements of design while exploring compositional problems; (1, 2)
Benchmark 4	Explore and identify art careers across the disciplines and cultures; (2, 4)	Communicate knowledge of art concepts and relationships among various cultures, disciplines, and art careers; (2, 4)	Produce a visual representation of ideas derived through the study of various cultures, disciplines, and art careers; (2, 4)
Benchmark 5	Work individually and as a group member in a responsible and productive manner; (1, 5)	Produce ideas for art productions while engaging in both individual and group activities; (1, 5)	Produce imaginative works of art generated from individual and group ideas; (1, 5)
Benchmark 6	Understand relationships among the arts and other disciplines outside the arts; (4)	Identify the relationships between the arts and other disciplines through art production; (4)	Produce works of art that describe and connect art with other disciplines; (4)
Benchmark 7	Maintain an individual journal or sketchbook. (1, 4)	Maintain a sketchbook or journal and develop a portfolio. (1, 4)	Maintain a sketchbook or journal and develop a portfolio. (1, 4)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1756 (August 2002).

Subchapter B. Aesthetic Perception

§919. Focus

A. The study of aesthetics, or the philosophy of the arts, supplies the individual with a structure for analyzing, interpreting, and responding to the arts. An understanding of aesthetics empowers the individual to make informed personal interpretations of artistic expressions and to develop an awareness of the concepts and ideas of others. The individual questions concepts, weighs evidence and information, examines intuitive reactions, and develops personal conclusions about the values in works of art.

1. Standard. Students will develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1756 (August 2002).

§921. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

AP-2VA-E1	Develop skills in using basic art vocabulary, including the elements of design, to critique individual work and that of others	(1, 5)
AP-2VA-E2	Recognize and respond to concepts, such as beauty and taste, which are determined by culture and differ from person to person	(1, 5)
AP-2VA-E3	Discuss and identify the role and status of the artist and how art is used in daily life, in the workplace, and within the community	(3, 4, 5)
AP-2VA-E4	Recognize and respond to the difference between judgment and preference in art	(2, 3)
AP-2VA-E5	Participate in elementary inquiry into the basic question "What is art?"	(1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1756 (August 2002).

§923. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

AP-2VA-M1	Use art elements, principles of design, and art vocabulary for responding to the aesthetic qualities of a work of art	(1, 3)
AP-2VA-M2	Develop and communicate an awareness of the ideas and creations of others, and recognize that concepts, like beauty and taste, differ by culture	(1, 5)
AP-2VA-M3	Identify and explore the meaning of art and the role of artists in their culture and environment	(3, 4, 5)
AP-2VA-M4	Illustrate awareness of new ideas, possibilities, options, and situations pertaining to the art world	(2, 3)
AP-2VA-M5	Identify, reflect, and distinguish differences of images, symbols, and sensory qualities seen in a work of art and in those in nature	(1)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1767 (August 2002).

§925. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

AP-2VA-H1	Use an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art	(1, 3)
AP-2VA-H2	Analyze unique characteristics of art as it reflects the quality of everyday life in various cultures	(1, 5)
AP-2VA-H3	Use descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment	(3, 4, 5)
AP-2VA-H4	Compare and contrast the multiple possibilities and options available for artistic expression	(2, 3)
AP-2VA-H5	Question/weigh evidence and information, examine intuitive reactions, and draw personal conclusions about works of art	(1)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1757 (August 2002).

§927. Aesthetic PerceptionC Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Develop skills in using basic art vocabulary, including the elements of design, to critique individual work and that of others; (1, 5)	Use art elements, principles of design, and art vocabulary for responding to the aesthetic qualities of a work of art; (1, 3)	Use an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art; (1, 3)
Benchmark 2	Recognize and respond to concepts, such as beauty and taste, which are determined by culture and differ from person to person; (1, 5)	Develop and communicate an awareness of the ideas and creations of others, and recognize that concepts, like beauty and taste, differ by culture; (1, 5)	Analyze unique characteristics of art as it reflects the quality of everyday life in various cultures; (1, 5)
Benchmark 3	Discuss and identify the role and status of the artist and how art is used in daily life, in the workplace, and within the community; (3, 4, 5)	Identify and explore the meaning of art and the role of artists in their culture and environment; (3, 4, 5)	Use descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment; (3, 4, 5)
Benchmark 4	Recognize and respond to the difference between judgment and preference in art; (2, 3)	Illustrate awareness of new ideas, possibilities, options, and situations pertaining to the art world; (2, 3)	Compare and contrast the multiple possibilities and options available for artistic expression; (2, 3)
Benchmark 5	Participate in elementary inquiry into the basic question "What is art?" (1, 2, 3, 4, 5)	Identify, reflect, and distinguish differences of images, symbols, and sensory qualities seen in a work of art and in those in nature. (1)	Question/weigh evidence and information, examine intuitive reactions, and draw personal conclusions about works of art. (1)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1757 (August 2002).

Subchapter C. Historical Perspective and Cultural Perception

§937. Focus

A. Historical and cultural perception is the vehicle for understanding works of art in time and place. The arts survive through times of interruption and neglect; they outlive governments, creed, societies, and even the

civilizations that spawned them. The artist is a harbinger of change, a translator of social thought, an analyst of cultures, a poetic scientist, and a recorder of history. To understand creative output in the history of the arts is to understand history itself.

1. Students will develop historical perspective and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1757 (August 2002).

§939. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

HP-3VA-E1	Recognize and identify works of art by subjects, cultures, and time periods	(1, 2)
HP-3VA-E2	Express how visual symbols communicate a universal language	(1, 4, 5)
HP-3VA-E3	Explore and discuss art images from the past and the present	(1, 3, 4)
HP-3VA-E4	Identify media used in works of art throughout history	(2, 3)
HP-3VA-E5	Describe ways the visual arts are used in daily life	(1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1758 (August 2002).

§941. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

HP-3VA-M1	Recognize and classify works of art by their style, theme, time period, and culture	(1, 2)
HP-3VA-M2	Understand how works of art cross historical, geographical, and political boundaries	(1, 4, 5)

§945. Historical Perspective and Cultural PerceptionC Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	Recognize and identify works of art by subjects, cultures, and time periods; (1, 2)	Recognize and classify works of art by their style, theme, time period, and culture; (1, 2)	Categorize specific styles and periods of art as they relate to various cultural, political, and economic conditions; (1, 2)
Benchmark 2	Express how visual symbols communicate a universal language; (1, 4, 5)	Understand how works of art cross historical, geographical, and political boundaries; (1, 4, 5)	Analyze how works of art cross geographical, political, and historical boundaries; (1, 4, 5)
Benchmark 3	Explore and discuss art images from the past and the present; (1, 3, 4)	Recognize the significance of themes, symbols, and ideas in art that convey messages from the past and present; (1, 3, 4)	Compare and contrast ways art has been used as a means of communication throughout history; (1, 2, 3, 4)
Benchmark 4	Identify media used in works of art throughout history; (2, 3)	Analyze and identify media and techniques used by artists throughout history; (2, 3)	Analyze materials, technologies, media, and processes of the visual arts throughout history; (2, 3)

HP-3VA-M3	Recognize the significance of themes, symbols, and ideas in art that convey messages from the past and present	(1, 3, 4)
HP-3VA-M4	Analyze and identify media and techniques used by artists throughout history	(2, 3)
HP-3VA-M5	Recognize individual artistic expression and cultural influences to understand the arts within the community	(1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1758 (August 2002).

§943. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

HP-3VA-H1	Categorize specific styles and periods of art as they relate to various cultural, political, and economic conditions	(1, 2)
HP-3VA-H2	Analyze how works of art cross geographical, political, and historical boundaries	(1, 4, 5)
HP-3VA-H3	Compare and contrast ways art has been used as a means of communication throughout history	(1, 2, 3, 4)
HP-3VA-H4	Analyze materials, technologies, media, and processes of the visual arts throughout history	(2, 3)
HP-3VA-H5	Identify the roles of artists who have achieved recognition and their influences on the community	(1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1758 (August 2002).

Grade Cluster	K-4	5-8	9-12
Benchmark 5	Describe ways the visual arts are used in daily life. (1, 2, 4, 5)	Recognize individual artistic expression and cultural influences to understand the arts within the community. (1, 2, 4, 5)	Identify the roles of artists who have achieved recognition and their influences on the community. (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1758 (August 2002).

Subchapter D. Critical Analysis

§955. Focus

A. Critical analysis is the process of inquiry associated with an individual's knowledge of the arts. Communication about the arts in a structured way provides the individual with means to observe, describe, analyze, and make critical, reasoned judgments about the form and content of the arts.

1. Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1759 (August 2002).

§957. Benchmarks K-4

A. In grades K-4, what students should know and be able to do includes:

CA-4VA-E1	View works of art, express an opinion, and justify individual viewpoints	(1, 2, 3)
CA-4VA-E2	Work individually and/or collectively to identify symbols and images in art and other core curricula	(2, 3, 5)
CA-4VA-E3	Identify works of art by media, subject matter, and culture	(2, 3)
CA-4VA-E4	Relate individual and collective knowledge and experiences to works of art in forming opinions	(1, 2, 3, 4)
CA-4VA-E5	Express personal feelings or interpretations about works of art and explain negative or positive comments	(1, 2)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1759 (August 2002).

§959. Benchmarks 5-8

A. In grades 5-8, what students should know and be able to do includes:

CA-4VA-M1	Observe works of art and describe through visual, verbal, or written avenues how artists use the design elements and principles	(1, 2, 3)
CA-4VA-M2	Work individually and/or collectively to analyze/interpret symbols and images for meaning, purpose, and value in art and other core curricula	(2, 3, 5)
CA-4VA-M3	Classify the style, period, media, and culture in works of art	(2, 3)
CA-4VA-M4	Discuss how culture influences artists' use of media, subject matter, symbols, and themes in relation to works of art	(1, 2, 3, 4)
CA-4VA-M5	Develop interpretations about works of art and explain negative or positive comments while respecting the views of others	(2, 3, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1759 (August 2002).

§961. Benchmarks 9-12

A. In grades 9-12, what students should know and be able to do includes:

CA-4VA-H1	Translate knowledge of the design elements and principles to communicate individual ideas	(1, 2, 3)
CA-4VA-H2	Work individually and/or collectively to compare and contrast symbols and images in the visual arts within historical periods and in other core curricula	(2, 3, 4)
CA-4VA-H3	Compare and contrast the processes, subjects, and media of the visual arts	(2, 3)
CA-4VA-H4	Analyze how specific works are created and how they relate to cultures and to historical periods	(1, 2, 3, 4)
CA-4VA-H5	Select and analyze a work of art and give a personal interpretation of that work based on information researched	(2, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1759 (August 2002).

§963. Critical Analysis C Grade Cluster

Grade Cluster	K-4	5-8	9-12
Benchmark 1	View works of art, express an opinion, and justify individual viewpoints; (1, 2, 3)	Observe works of art and describe through visual, verbal, or written avenues how artists use the design elements and principles; (1, 2, 3)	Translate knowledge of the design elements and principles to communicate individual ideas; (1, 2, 3)
Benchmark 2	Work individually and/or collectively to identify symbols and images in art and other core curricula; (2, 3, 5)	Work individually and/or collectively to analyze/interpret symbols and images for meaning, purpose, and value in art and other core curricula; (2, 3, 5)	Work individually and/or collectively to compare and contrast symbols and images in the visual arts within historical periods and in other core curricula; (2, 3, 4)
Benchmark 3	Identify works of art by media, subject matter, and culture; (2, 3)	Classify the style, period, media, and culture in works of art; (2, 3)	Compare and contrast the processes, subjects, and media of the visual arts; (2, 3)
Benchmark 4	Relate individual and collective knowledge and experiences to works of art in forming opinions; (1, 2, 3, 4)	Discuss how culture influences artists' use of media, subject matter, symbols, and themes in relation to works of art; (1, 2, 3, 4)	Analyze how specific works are created and how they relate to cultures and to historical periods; (1, 2, 3, 4)
Benchmark 5	Express personal feelings or interpretations about works of art and explain negative or positive comments. (1, 2)	Develop interpretations about works of art and explain negative or positive comments while respecting the views of others. (2, 3, 5)	Select and analyze a work of art and give a personal interpretation of that work based on information researched. (2, 5)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Student Standards and Assessments, LR 24:296 (February 1998), amended LR 28:1760 (August 2002).

Weegie Peabody
Executive Director

0208#025

RULE

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

Final Deadline for Full Award
(LAC 28:IV.503)

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 Assistance—Higher
Education Scholarship and Grant Programs**

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

§503. Application Deadlines

A. - A.4. ...

B. Final Deadline for Full Award

1. In order to receive the full benefits of a TOPS award as provided in §701.E and §803.D, the final deadline for receipt of a student's initial FAFSA application is July 1 of the Academic Year (High School) in which a student graduates. For example, for a student graduating in the 2000-2001 Academic Year (High School), the student must submit the initial FAFSA in time for it to be received by the federal processor by July 1, 2001.

2. Notwithstanding the deadline established by §503.B.1 above, applicants who enter on active duty in the U.S. Armed Forces have a final deadline for receipt of their

initial FAFSA application of one year from the date of separation from active duty. In order to be eligible under this Subsection, the applicant must meet the requirements of §703.A.4.b or d or §803.A.4.b or d of these Rules and must not have been discharged with an undesirable, bad conduct or dishonorable discharge.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25:655 (April 1999), LR 25:2396 (December 1999), LR 25:1994 (September 2000), repromulgated LR 27,1847 (November 2001), amended LR 28:447 (March 2002), LR 28:1760 (August 2002).

George Badge Eldredge
General Counsel

0208#049

RULE

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

Scholarship/Grant Programs C Certification of Student Data
(LAC 28:IV.1903)

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 Assistance C Higher
Education Scholarship and Grant Programs**

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

§1903. Responsibilities of Postsecondary Institutions

A. Certification of Student Data

1. Through the summer term of 2002, upon request by LASFAC, and for the purpose of determining an applicant's

eligibility for a program award, an institution will report the following student data:

- a. admission and full-time undergraduate enrollment; and
- b. eligibility for, or enrollment in, a course of study leading to initial teacher certification; and
- c. enrollment in math or chemistry as a major while pursuing teacher certification; and
- d. graduate or undergraduate enrollment in wildlife forestry or marine science; and
- e. cumulative college grade point average; and
- f. cumulative college credit hours earned;
- g. academic year hours earned.

2. Effective the fall semester of 2002, upon request by LASFAC, and for the purpose of determining an applicant's eligibility for a program award, an institution shall report the following student data:

- a. admission and full-time undergraduate enrollment; and
- b. eligibility for, or enrollment in, a course of study leading to initial teacher certification; and
- c. enrollment in math or chemistry as a major while pursuing teacher certification; and
- d. graduate or undergraduate enrollment in wildlife forestry or marine science; and
- e. semester hours attempted;
- f. semester hours earned;
- g. semester quality points earned; and
- h. resignation from the institution or withdrawal from all courses.

B. - G Y

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

HISTORICAL NOTE: Promulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25: 1459 (August 1999), LR 26:1998, 2002 (September 2000). LR 27:1864 (November 2001), LR 28:1760 (August 2002).

George Badge Eldredge
General Counsel

0208#050

RULE

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

Student Tuition and Revenue Trust (START Saving)
Program Interest Rates (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. 17:3091-3099.2).

**Title 28
EDUCATION**

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

Chapter 3. Education Savings Account

§315. Miscellaneous Provisions

A. - B.4. ...

5. For the year ending December 31, 2001, the Louisiana Education Tuition and Savings Fund earned an interest rate of 6.33 percent.

6. For the year ending December 31, 2001, the Earnings Enhancements Fund earned an interest rate of 6.38 percent.

C. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1884 (November 2001), LR 28:1761 (August 2002).

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RULE

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

Dissolved Oxygen Criteria for Bayou Courtableau
(LAC 33:IX.1123)(WQ044)

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 Water Quality regulations, LAC 33:IX.1123.C.3.Table 3 (Log #WQ044).

The numerical dissolved oxygen criteria for Water Quality Management Subsegment 060204, Bayou Courtableau, in the Vermilion-Teche Basin, has been revised. A Use Attainability Analysis of this subsegment has determined that critical periods for dissolved oxygen occur during parts of each year. While Bayou Courtableau exhibits naturally occurring seasonal variations in dissolved oxygen, no changes in designated uses were proposed. The recommended dissolved oxygen criteria changes are: 3.0 mg/L May through September, and 5.0 mg/L October through April. As part of the Louisiana Water Quality Management Plan, the state publishes a list of priority water bodies biennially under the Clean Water Act, Section 305(b). In accordance with the Clean Water Act, Section 303(d), water bodies are placed on a list of priority water bodies when assessment methodology indicates that they do not meet applicable water quality standards. After further review and assessment, some of these water bodies may be prioritized for fieldwork, Use Attainability Analyses, and Total Maximum Daily Load development. Until a Use Attainability Analysis is conducted to determine attainable uses and criteria, a Total Maximum Daily Load based upon national criteria may be inappropriate for many water bodies. Bayou Courtableau (060204) has been classified as the highest priority on Louisiana's 303(d) list. A Use Attainability Analysis has been conducted for this water body to determine the appropriate dissolved oxygen criteria. The Use Attainability Analysis presents the required information for a site-specific dissolved oxygen water quality standards revision in accordance with state and federal water quality regulations, policies, and guidance. The basis and rationale for this Rule are to establish site-specific

criteria and designated uses for Bayou Courtableau (060204) developed as a result of the Use Attainability Analysis.

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 IX. Water Quality

Chapter 11. Surface Water Quality Standards
§1123. Numerical Criteria and Designated Uses

A. - C.2. ...

3. Designated Uses. The following are the category definitions of Designated Uses that are used in Table 3 under the subheading "Designated Uses."

- AC Primary Contact Recreation
 - BC Secondary Contact Recreation
 - CC Propagation of Fish and Wildlife
 - LC Limited Aquatic Life and Wildlife Use
 - DC Drinking Water Supply
 - EC Oyster Propagation
 - FC Agriculture
 - GC Outstanding Natural Resource Waters
- Numbers in brackets, e.g. [1], refer to endnotes listed at the end of the table.

Table 3 Numerical Criteria and Designated Uses									
AC Primary Contact Recreation; BC Secondary Contact Recreation; CC Propagation of Fish and Wildlife; DC Drinking Water Supply; EC Oyster Propagation; FC Agriculture; GC Outstanding Natural Resource Waters; LC Limited Aquatic Life and Wildlife Use									
Code	Stream Description	Designated Uses	Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
	Atchafalaya River Basin (01)								
*** [See Prior Text In 010101-050901]									
	Vermilion-Teche River Basin (06)								
*** [See Prior Text In 060101-060203]									
060204	Bayou Courtableau - origin to West Atchafalaya Borrow Pit Canal	A B C	40	30	[22]	6.0-8.5	1	32	220
*** [See Prior Text In 060206-120806]									

Endnotes:

[1]-[21]...

[22] Site-specific Seasonal DO Criteria: 3 mg/L May-September, 5 mg/L October-April.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1123 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002).

James H. Brent, Ph.D.
Assistant Secretary

0208#107

RULE

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Inactive or Uncontrolled Sites Notification Procedures
(LAC 33:VI.201)(IA004)

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 Inactive and Abandoned

Hazardous Waste and Hazardous Substance Site Remediation regulations, LAC 33:VI.201 (Log #IA004).

The Rule revises the procedures for notifying the department of the discovery of a discharge or disposal of any hazardous substance at an inactive or uncontrolled site to be consistent with the notification procedures required by all other department regulations. The Regulation will require reporting to the department's Single Point of Contact. This action will make the Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation regulations consistent with all other department regulations with regard to release/discharge reporting. The basis and rationale for this Rule are to have consistency in the notification procedures for release/discharges.

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 VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

Chapter 2. Site Discovery and Evaluation
§201. Site Discovery

A. - B.1.d. ...

2. The department must be notified regardless of whether the contaminants were discovered before or after

the effective date of these regulations. Notification shall be made to the Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by email utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours of the discovery of the discharge or disposal of any hazardous substance at an inactive or uncontrolled site.

B.3. - B.5.f. ...

C. Voluntary Reporting. In addition to the mandatory reporting by those persons listed under Subsection B of this Section, all members of the public are encouraged to report to the department any suspected discharge, disposal, or presence of any hazardous substance at any inactive or uncontrolled site. This voluntary reporting can be made by contacting the Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by email utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2182 (November 1999), amended LR 26:2511 (November 2000), LR 28:1762 (August 2002).

James H. Brent, Ph.D.
Assistant Secretary

0208#106

RULE

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

**Control of Emission of Organic Compounds
Calcasieu Parish (LAC 33:III.Chapter 21)(AQ219A)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2103, 2104, 2115, 2122, 2123, 2125, 2143, and 2153 (Log #AQ219A).

Rule AQ219 was previously published in the *Louisiana Register* on July 20, 2001, and affected the parishes of Beauregard, Calcasieu, Cameron, and Jefferson Davis. Upon further evaluation of air quality monitoring data for the area, and after review and consideration of comments received, AQ219 was withdrawn on October 20, 2001. The regulation was revised and a Notice of Intent regarding the amended proposed rulemaking (AQ 219A) was published in the March 20, 2002, issue of the Louisiana Register. The Notice of Intent published on March 20, 2002, incorrectly stated that the rulemaking was applicable to Calcasieu Parish only. However, changes to LAC 33.III.2103.E and 2103.I.7 that are included in AQ 219A have statewide applicability. Those changes made to LAC 33.III.2104, 2115, 2122, 2123, 2125, 2143 and 2153 are applicable to Calcasieu Parish only.

This Rule revision affects Calcasieu Parish by lowering applicability thresholds in selected sections of Chapter 21. These sections regulate storage of volatile organic compounds, crude oil and condensate, waste gas disposal, fugitive emission control for ozone nonattainment areas, organic solvents, vapor degreasers, graphic arts (printing) by rotogravure and flexographic processes, and VOC emissions from wastewater. Calcasieu Parish experienced ozone exceedance days during the years 1998, 1999, and 2000. Four or more exceedances during any consecutive three-year period constitute a violation of the ozone National Ambient Air Quality Standard (NAAQS). In accordance with activated contingency measures established in the approved air quality Maintenance Plan for Calcasieu Parish, a control strategy must be developed and appropriate control measures implemented in an effort to maintain Calcasieu's current attainment designation and to protect air quality in the area. This Rule also revises the Louisiana State Implementation Plan (SIP). The basis and rationale for this Rule are to continue achieving compliance with the NAAQS for ozone in Calcasieu Parish to protect the air quality of the state of Louisiana.

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 III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - D.4.d. ...

E. Vapor Loss Control System. A vapor loss control system consists of a gathering system capable of collecting the volatile organic compound (VOC) vapors and a vapor disposal system capable of processing such organic vapors. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

1. The vapor loss control system shall reduce inlet emissions of total volatile organic compounds by 95 percent or greater.

2. Notwithstanding Paragraph E.1 of this Section, if the vapor loss control system was installed on or before December 31, 1992, then the vapor loss control system shall reduce inlet emissions of total volatile organic compounds by 90 percent or greater.

3. The specifications and requirements in Paragraph E.1 or 2 of this Section do not apply during periods of planned routine maintenance. Periods of planned routine maintenance of the vapor loss control system, during which the vapor loss control system does not meet the specifications of Paragraph E.1 or 2 of this Section, as applicable, shall not exceed 240 hours per year.

F. - I.6. ...

7. records of planned routine maintenance performed on the vapor loss control system, including the duration of each time the vapor loss control system does not meet the specifications of Paragraph E.1 or 2 of this Section, as applicable, due to the planned routine maintenance. Such records shall include the information specified as follows:

a. the first time of day and date the requirements of Subsection E of this Section were not met, at the beginning of the planned routine maintenance; and

b. the first time of day and date the requirements of Subsection E of this Section were met, at the conclusion of the planned routine maintenance.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002).

§2104. Crude Oil and Condensate

A. Applicability. This Section applies to any oil and gas production facility (SIC Code 1311), natural gas processing plant (SIC Code 1321), or natural gas transmission facility (SIC Code 4922) that has a potential to emit more than 50 Tons Per Year (TPY) of flash gas to the atmosphere in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, and West Baton Rouge or more than 100 TPY of flash gas to the atmosphere in any other parish.

B. - C.1. ...

2. For facilities in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent or reduced to a potential to emit of less than 50 TPY.

3. For facilities in parishes other than Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent, or reduced to a potential to emit of less than 100 TPY.

D. - D.3. ...

E. Compliance Schedule. For equipment located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, compliance shall be achieved as soon as practicable, but no later than September 1, 1998. For equipment located in the parish of Calcasieu with a potential to emit less than 100 TPY, compliance shall be achieved as soon as practicable, but no later than August 20, 2003. For all other facilities compliance shall be achieved as soon as practicable, but no later than May 1, 1999.

F. - G.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 23:1497 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1764 (August 2002).

§2115. Waste Gas Disposal

Any waste gas stream containing VOCs from any emission source shall be controlled by one or more of the applicable methods set forth in Subsections A-G of this Section. This Section shall apply to all waste gas streams located at facilities that have the potential to emit 50 TPY or more of VOCs in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, or 100 TPY or more of VOCs in any other parish. This Section does not apply to waste gas streams that must comply with a control requirement, meet an exemption, or are below an applicability threshold specified in another section of this Chapter. This Section does not apply to waste gas streams that are required by another federal or state regulation to implement controls that reduce VOCs to a more stringent standard than would be required by this Section.

A. - H.1. ...

a. it can be demonstrated that the waste gas stream is not a part of a facility that emits, or has the potential to emit, 50 TPY or more of VOCs in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge or 100 TPY or more of VOCs in any other parish;

H.1.b. - I.5. ...

J. Compliance. All facilities affected by this Section shall be in compliance as soon as practicable but in no event later than August 20, 2003.

J.1. - M. Waste Gas Stream ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:960 (November 1990), LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 19:317 (March 1993), LR 22:1212 (December 1996), LR 24:21 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1764 (August 2002).

§2122. Fugitive Emission Control for Ozone

Nonattainment Areas and Specified Parishes

A. - A.1. ...

2. This Section is applicable to sources in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.

3. The requirements of this Section shall be effective for sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge starting January 1, 1996.

4. The requirements of this Section shall be effective for sources located in the parish of Calcasieu starting January 1, 2003.

5. When the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

A.6. - G.6. ...

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 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR

22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002).

Subchapter B. Organic Solvents

§2123. Organic Solvents

A. - D.5. ...

6. Surface coating facilities on any property in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes that when controlled have a potential to emit, at maximum production, a combined weight (total from the property) of VOCs less than 10 tons in any consecutive 12 calendar months are exempt from the provisions of Subsection C of this Section. Surface coating facilities on any property in parishes other than Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that when uncontrolled have a potential to emit a combined weight of VOCs less than 100 pounds (45 kilograms) in any consecutive 24-hour period are exempt from the provisions of Subsection C of this Section.

D.7. - G.. Repair and Maintenance Thermoplastic Coating ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002).

Subchapter C. Vapor Degreasers

§2125. Vapor Degreasers

A. - C.2.j. ...

D. Exemptions. Except as required in this Subsection, a vapor degreaser emitting 100 pounds (45 kilograms) or less of VOCs in any consecutive 24-hour period (uncontrolled) is exempt from the provisions of this Section provided the total emissions from all the vapor degreasers at the facility combined are less than 100 tons/year of VOCs, uncontrolled. If these two conditions are not met, the provisions of this Section must apply. For Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes, the requirements of this Section apply to all solvent metal cleaners, except as stated in this Subsection.

D.1. - G ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:962 (November 1990), LR 18:1122 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1765 (August 2002).

Subchapter H. Graphic Arts

§2143. Graphic Arts (Printing) by Rotogravure and Flexographic Processes

A. Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility having a potential to emit 50 TPY or more of VOCs in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, or having a potential to emit 100 TPY or more of VOCs in any other parish, unless VOC emissions are controlled by one of the methods in Paragraphs A.1-5 of this Section. Once a facility is subject to the provisions of this Section, it remains so regardless of future variations in production.

A.1. - 5. ...

B. Applicability Exemption. A rotogravure or flexographic printing facility that has the potential to emit, at full production (8760 hours per year basis), a combined weight of VOCs of less than 50 TPY (in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge) or 100 TPY (in any other parish), calculated from historical records of actual consumption of ink, is exempt from the provisions of Subsections A and C of this Section and need only comply with Subsection D of this Section.

C. - D.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:964 (November 1990), LR 18:1123 (October 1992), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1796 (October 1999), LR 28:1765 (August 2002).

Subchapter M. Limiting Volatile Organic Compound Emissions From Industrial Wastewater

§2153. Limiting VOC Emissions From Industrial Wastewater

A. - H.5. ...

I. Parishes and Compliance Schedules. For the affected facilities in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes, any person who is the owner or operator of an affected source category within a plant shall be in compliance with these regulations no later than November 15, 1996. If an additional affected VOC wastewater stream is generated as a result of a process change, the wastewater shall be in compliance with this Section upon initial startup or by November 15, 1998, whichever is later, unless the owner or operator demonstrates to the administrative authority* that achieving compliance will take longer. If this demonstration is satisfactory to the administrative authority*, compliance shall be achieved as expeditiously as practicable, but in no event later than three years after the process change. An existing wastewater stream that becomes an affected VOC wastewater stream due to a process change must be in compliance with this Section as expeditiously as practicable, but in no event later than three years after the process change.

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 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002).

James H. Brent, Ph.D.
Assistant Secretary

0208#105

RULE

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

**Cooling Water Intake Structures for New Facilities
(LAC 33:IX.2331, 2361, 2415, and 2519-2528) (WQ045*)**

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 Water Quality regulations, LAC 33:IX.2331, 2361, 2415, and 2519-2528 (Log #WQ045*).

This Rule is identical to federal regulations found in 40 CFR 122, 124, and 125, 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. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953.F.(3) and (4).

This Rule will add requirements applicable to cooling water intake structures for new facilities under the Louisiana Pollutant Discharge Elimination System (LPDES) regulations in LAC 33:IX.Chapter 23. Changes have been made to the federal regulations that are required to be adopted by authorized programs such as Louisiana's. The basis and rationale for this Rule are to keep the LPDES program current with federal rules concerning requirements for cooling water intake structures for new facilities.

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

**Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality**

**Chapter 23. The LPDES Program
Subchapter B. Permit Application and Special LPDES
Program Requirements**

§2331. Application for a Permit

A. - Q.15. ...

R. Applications for Facilities with Cooling Water Intake Structures

1. New Facilities with New or Modified Cooling Water Intake Structures. New facilities with cooling water

intake structures, as defined in LAC 33:IX.Chapter 23.Subchapter M, must report the information required under Paragraphs R.2, 3, and 4 of this Section and LAC 33:IX.2525. Requests for alternative requirements under LAC 33:IX.2524 must be submitted with the permit application.

2. Source Water Physical Data. These include:

a. a narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility, including areal dimensions, depths, salinity and temperature regimes, and other documentation that support the determination of the water body type where each cooling water intake structure is located;

b. identification and characterization of the source water body's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence within the water body and the results of such studies; and

c. locational maps.

3. Cooling Water Intake Structure Data. These include:

a. a narrative description of the configuration of each of the cooling water intake structures and where it is located in the water body and in the water column;

b. latitude and longitude in degrees, minutes, and seconds for each of the cooling water intake structures;

c. a narrative description of the operation of each of the cooling water intake structures, including design intake flows, daily hours of operation, number of days of the year in operation, and seasonal changes, if applicable;

d. a flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and

e. engineering drawings of the cooling water intake structure.

4. Source Water Baseline Biological Characterization Data. This information is required to characterize the biological community in the vicinity of the cooling water intake structure and to characterize the operation of the cooling water intake structures. The state administrative authority may also use this information in subsequent permit renewal proceedings to determine if the design and construction technology plan, as required in LAC 33:IX.2525.B.4, should be revised. This supporting information must include existing data (if they are available). However, the data may be supplemented using newly conducted field studies, if the owner or operator chooses to do so. The information to be submitted must include:

a. a list of the data in Subparagraphs R.4.b-f of this Section that are not available and the efforts made to identify sources of the data;

b. a list of species (or relevant taxa) for all life stages and their relative abundance in the vicinity of the cooling water intake structure;

c. identification of the species and life stages that would be most susceptible to impingement and entrainment. Species evaluated should include the forage base as well as those most important in terms of significance to commercial and recreational fisheries;

d. identification and evaluation of the primary period of reproduction, larval recruitment, and period of peak abundance for relevant taxa;

e. data representative of the seasonal and daily activities (e.g., feeding and water column migration) of biological organisms in the vicinity of the cooling water intake structure;

f. identification of all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at the cooling water intake structures;

g. documentation of any public participation or consultation with federal or state agencies undertaken in development of the plan; and

h. if the information requested in Subparagraph R.4.a of this Section is supplemented with data collected using field studies, supporting documentation for the source water baseline biological characterization must include a description of all methods and quality assurance procedures for sampling and data analysis, including a description of the study area, taxonomic identification of sampled and evaluated biological assemblages (including all life stages of fish and shellfish), and sampling and data analysis methods. The sampling and/or data analysis methods used must be appropriate for a quantitative survey and based on consideration of methods used in other biological studies performed within the same source water body. The study area should include, at a minimum, the area of influence of the cooling water intake structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002).

Subchapter C. Permit Conditions

§2361. Establishing Limitations, Standards, and Other Permit Conditions

A.1. - B.2. ...

3. requirements applicable to cooling water intake structures at new facilities under Section 316(b) of the CWA, in accordance with LAC 33:IX.Chapter 23.Subchapter M.

C. - S. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1523 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), LR 26:2764 (December 2000), LR 28: 469 (March 2002), LR 28:1767 (August 2002).

Subchapter E. General Program Requirements

§2415. Public Notice of Permit Actions and Public Comment Period

A. - D.1.g. ...

h. requirements applicable to cooling water intake structures at new facilities under Section 316(b) of the CWA, in accordance with LAC 33:IX.Chapter 23.Subchapter M; and

D.1.i. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 28:473 (March 2002), LR 28:1767 (August 2002).

Subchapter M. Criteria Applicable to Cooling Water Intake Structures Under Section 316(b) of the Act

NOTE: This Subchapter is written in a special format to make it easier to understand the regulatory requirements. Like other department and USEPA regulations, this establishes enforceable legal requirements. For this Subchapter, *I* and *you* refer to the owner/operator.

§2519. What Are the Purpose and Scope of this Subchapter?

A. This Subchapter establishes requirements that apply to the location, design, construction, and capacity of cooling water intake structures at new facilities. The purpose of these requirements is to establish the best technology available for minimizing adverse environmental impact associated with the use of cooling water intake structures. These requirements are implemented through LPDES permits issued in accordance with Section 402 of the CWA, under the assumption of the NPDES program.

B. This Subchapter implements Section 316(b) of the CWA for new facilities. Section 316(b) of the CWA provides that any standard established in accordance with Section 301 or 306 of the CWA and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

C. New facilities that do not meet the threshold requirements regarding amount of water withdrawn or percentage of water withdrawn for cooling water purposes in LAC 33:IX.2520.A must meet requirements determined on a case-by-case, best professional judgment (BPJ) basis.

D. Nothing in this Subchapter shall be construed to preclude or deny the right of any state or political subdivision of a state or any interstate agency under Section 510 of the CWA to adopt or enforce any requirement with respect to control or abatement of pollution that is more stringent than those required by federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1767 (August 2002).

§2520. Who is Subject to this Subchapter?

A. This Subchapter applies to a new facility if it:

1. is a point source that uses or proposes to use a cooling water intake structure;

2. has at least one cooling water intake structure that uses at least 25 percent of the water it withdraws for cooling purposes as specified in Subsection C of this Section; and

3. has a design intake flow greater than two million gallons per day (MGD).

B. Use of a cooling water intake structure includes obtaining cooling water by any sort of contract or arrangement with an independent supplier (or multiple

suppliers) of cooling water if the supplier or suppliers withdraw(s) water from waters of the state. Use of cooling water does not include obtaining cooling water from a public water system or the use of treated effluent that otherwise would be discharged to a water of the state. This provision is intended to prevent circumvention of these requirements by creating arrangements to receive cooling water from an entity that is not itself a point source.

C. The threshold requirement that at least 25 percent of water withdrawn be used for cooling purposes must be measured on an average monthly basis. A new facility meets the 25 percent cooling water threshold if, based on the new facility's design, any monthly average over a year for the percentage of cooling water withdrawn is expected to equal or exceed 25 percent of the total water withdrawn.

D. This Subchapter does not apply to facilities that employ cooling water intake structures in the offshore and coastal subcategories of the oil and gas extraction point source category, as defined under 40 CFR 435.10 and 40 CFR 435.40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1767 (August 2002).

§2521. When Must I Comply with this Subchapter?

A. You must comply with this Subchapter when an LPDES permit containing requirements consistent with this Subchapter is issued to you.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1768 (August 2002).

§2522. What Special Definitions Apply to this Subchapter?

Annual Mean FlowCthe average of daily flows over a calendar year. Historical data (up to 10 years) must be used where available.

Closed-Cycle Recirculating SystemCa system designed, using minimized makeup and blowdown flows, to withdraw water from a natural or other water source to support contact and/or noncontact cooling uses within a facility. The water is usually sent to a cooling canal or channel, lake, pond, or tower to allow waste heat to be dissipated to the atmosphere and then is returned to the system. (Some facilities divert the waste heat to other process operations.) New source water (makeup water) is added to the system to replenish losses that have occurred due to blowdown, drift, and evaporation.

Cooling WaterCwater used for contact or noncontact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used or from auxiliary operations on the facility's premises. Cooling water that is used in a manufacturing process, either before or after it is used for cooling, is considered process water for the purposes of calculating the percentage of a new facility's intake flow that is used for cooling purposes in LAC 33:IX.2520.C.

Cooling Water Intake StructureCthe total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the state. The cooling

water intake structure extends from the point at which water is withdrawn from the surface water source up to, and including, the intake pumps.

Design Intake FlowCthe value assigned (during the facility's design) to the total volume of water withdrawn from a source water body over a specific time period.

Design Intake VelocityCthe value assigned (during the design of a cooling water intake structure) to the average speed at which intake water passes through the open area of the intake screen (or other device) against which organisms might be impinged or through which they might be entrained.

EntrainmentCthe incorporation of all life stages of fish and shellfish with intake water flow entering and passing through a cooling water intake structure and into a cooling water system.

EstuaryCa semi-enclosed body of water that has a free connection with open seas and within which the seawater is measurably diluted with fresh water derived from land drainage. The salinity of an estuary exceeds 0.5 parts per thousand (by mass), but is typically less than 30 parts per thousand (by mass).

Existing FacilityAny facility that is not a new facility.

Freshwater River or StreamCa lotic (free-flowing) system that does not receive significant inflows of water from oceans or bays due to tidal action. For the purposes of these regulations, a flow-through reservoir with a retention time of seven days or less will be considered a freshwater river or stream.

Hydraulic Zone of InfluenceCthat portion of the source water body hydraulically affected by the cooling water intake structure withdrawal of water.

ImpingementCthe entrapment of all life stages of fish and shellfish on the outer part of an intake structure or against a screening device during periods of intake water withdrawal.

Lake or ReservoirAny inland body of open water with some minimum surface area free of rooted vegetation and with an average hydraulic retention time of more than seven days. Lakes or reservoirs might be natural water bodies or impounded streams, usually fresh, surrounded by land or by land and a manmade retainer (e.g., a dam). Lakes or reservoirs might be fed by rivers, streams, springs, and/or local precipitation. Flow-through reservoirs with an average hydraulic retention time of seven days or less should be considered a freshwater river or stream.

MaximizeCto increase to the greatest amount, extent, or degree reasonably possible.

Minimum Ambient Source Water Surface ElevationCthe elevation of the 7Q10 flow for freshwater streams or rivers, the conservation pool level for lakes or reservoirs, or the mean low tidal water level for estuaries or oceans. The 7Q10 flow is the lowest average seven consecutive day low flow with an average frequency of one in ten years determined hydrologically. The conservation pool is the minimum depth of water needed in a reservoir to ensure proper performance of the system relying upon the reservoir. The mean low tidal water level is the average height of the low water over at least 19 years.

MinimizeCto reduce to the smallest amount, extent, or degree reasonably possible.

Natural Thermal StratificationCthe naturally-occurring division of a water body into horizontal layers of differing

densities as a result of variations in temperature at different depths.

New Facility Any building, structure, facility, or installation that meets the definition of a *new source* or *new discharger* in 40 CFR 122.29(b)(1), (2), and (4) and LAC 33:IX.2313 and is a *greenfield* or *stand-alone facility* (as defined below), commences construction after January 17, 2002, and uses either a newly constructed cooling water intake structure or an existing cooling water intake structure whose design capacity is increased to accommodate the intake of additional cooling water. New facilities include only Greenfield and stand-alone facilities. A *greenfield facility* is a facility that is constructed at a site at which no other source is located or that totally replaces the process or production equipment at an existing facility [see 40 CFR 122.29(b)(1)(i) and (ii)]. A *stand-alone facility* is a new, separate facility that is constructed on property where an existing facility is located and whose processes are substantially independent of the existing facility at the same site [see 40 CFR 122.29(b)(1)(iii)]. New facility does not include new units that are added to a facility for purposes of the same general industrial operation (e.g., a new peaking unit at an electrical generating station).

1. Examples of *new facilities* include, but are not limited to, the following scenarios.

a. A new facility is constructed on a site that has never been used for industrial or commercial activity. It has a new cooling water intake structure for its own use.

b. A facility is demolished and another facility is constructed in its place. The newly constructed facility uses the original facility's cooling water intake structure, but modifies it to increase the design capacity to accommodate the intake of additional cooling water.

c. A facility is constructed on the same property as an existing facility, but is a separate and independent industrial operation. The cooling water intake structure used by the original facility is modified by constructing a new intake bay for the use of the newly constructed facility or is otherwise modified to increase the intake capacity for the new facility.

2. Examples of facilities that would not be considered *new facilities* include, but are not limited to, the following scenarios.

a. A facility in commercial or industrial operation is modified and either continues to use its original cooling water intake structure or uses a new or modified cooling water intake structure.

b. A facility has an existing intake structure. Another facility (a separate and independent industrial operation) is constructed on the same property and connects to the facility's cooling water intake structure behind the intake pumps and the design capacity of the cooling water intake structure has not been increased. This facility would not be considered a *new facility* even if routine maintenance or repairs that do not increase the design capacity were performed on the intake structure.

Ocean Marine open coastal waters with a salinity greater than or equal to 30 parts per thousand (by mass).

Source Water The water body (waters of the state) from which the cooling water is withdrawn.

Thermocline The middle layer of a thermally stratified lake or reservoir. In this layer there is a rapid decrease in temperatures.

Tidal Excursion The horizontal distance along the estuary or tidal river that a particle moves during one tidal cycle of ebb and flow.

Tidal River The most seaward reach of a river or stream where the salinity is typically less than or equal to 0.5 parts per thousand (by mass) at a time of annual low flow and whose surface elevation responds to the effects of coastal lunar tides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1768 (August 2002).

§2523. As an Owner or Operator of a New Facility, What Must I Do to Comply with this Subchapter?

A. The owner or operator of a new facility may be required to comply with Subsection E of this Section, and must comply with the requirements of either:

1. Track I in Subsection B or C of this Section; or
2. Track II in Subsection D of this Section.

B. Track I Requirements for New Facilities That Withdraw Equal to or Greater Than 10 MGD. For these facilities, you must comply with all of the following requirements.

1. You must reduce your intake flow, at a minimum, to a level commensurate with that which can be attained by a closed-cycle recirculating cooling water system.

2. You must design and construct each cooling water intake structure at your facility to a maximum through-screen design intake velocity of 0.5 ft/s.

3. You must design and construct your cooling water intake structure so that the total design intake flow from all cooling water intake structures at your facility meets the following requirements.

a. For cooling water intake structures located in a freshwater river or stream, the total design intake flow must be no greater than 5 percent of the source water annual mean flow.

b. For cooling water intake structures located in a lake or reservoir, the total design intake flow must not disrupt the natural thermal stratification or turnover pattern (where present) of the source water, except in cases when the disruption is determined to be beneficial to the management of fisheries for fish and shellfish by any fishery management agency(ies).

c. For cooling water intake structures located in an estuary or tidal river, the total design intake flow over one tidal cycle of ebb and flow must be no greater than 1 percent of the volume of the water column within the area centered about the opening of the intake with a diameter defined by the distance of one tidal excursion at the mean low water level.

4. You must select and implement design and construction technologies or operational measures for minimizing impingement mortality of fish and shellfish if:

a. there are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure;

b. there are migratory and/or sport or commercial species of impingement concern to the state administrative

authority or any fishery management agency(ies) that pass through the hydraulic zone of influence of the cooling water intake structure; or

c. it is determined by the state administrative authority or any fishery management agency(ies) that the proposed facility, after meeting the technology-based performance requirements in Paragraphs B.1, 2, and 3 of this Section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.

5. You must select and implement design and construction technologies or operational measures for minimizing entrainment of entrainable life stages of fish and shellfish if:

a. there are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure; or

b. there are, or would be, undesirable cumulative stressors affecting entrainable life stages of species of concern to the state administrative authority or any fishery management agency(ies), and it is determined by the state administrative authority or any fishery management agency(ies) that the proposed facility, after meeting the technology-based performance requirements in Paragraphs B.1, 2, and 3 of this Section, would contribute unacceptable stress to these species of concern.

6. You must submit the application information required in LAC 33:IX.2331.R and 2525.B.

7. You must implement the monitoring requirements specified in LAC 33:IX.2526.

8. You must implement the recordkeeping requirements specified in LAC 33:IX.2527.

C. Track I Requirements for New Facilities That Withdraw Equal to or Greater Than 2 MGD and Less Than 10 MGD and That Choose Not to Comply With Subsection B of This Section. For these facilities you must comply with all the following requirements.

1. You must design and construct each cooling water intake structure at your facility to a maximum through-screen design intake velocity of 0.5 ft/s.

2. You must design and construct your cooling water intake structure so that the total design intake flow from all cooling water intake structures at your facility meets the following requirements.

a. For cooling water intake structures located in a freshwater river or stream, the total design intake flow must be no greater than 5 percent of the source water annual mean flow.

b. For cooling water intake structures located in a lake or reservoir, the total design intake flow must not disrupt the natural thermal stratification or turnover pattern (where present) of the source water, except in cases when the disruption is determined to be beneficial to the management of fisheries for fish and shellfish by any fishery management agency(ies).

c. For cooling water intake structures located in an estuary or tidal river, the total design intake flow over one tidal cycle of ebb and flow must be no greater than 1 percent of the volume of the water column within the area centered about the opening of the intake with a diameter defined by

the distance of one tidal excursion at the mean low water level.

3. You must select and implement design and construction technologies or operational measures for minimizing impingement mortality of fish and shellfish if:

a. there are threatened or endangered or otherwise protected federal, state, or tribal species, or critical habitat for these species, within the hydraulic zone of influence of the cooling water intake structure;

b. there are migratory and/or sport or commercial species of impingement concern to the state administrative authority or any fishery management agency(ies) that pass through the hydraulic zone of influence of the cooling water intake structure; or

c. it is determined by the state administrative authority or any fishery management agency(ies) that the proposed facility, after meeting the technology-based performance requirements in Paragraphs C.1 and 2 of this Section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.

4. You must select and implement design and construction technologies or operational measures for minimizing entrainment of entrainable life stages of fish and shellfish.

5. You must submit the application information required in LAC 33:IX.2331.R and 2525.B.2, 3, and 4.

6. You must implement the monitoring requirements specified in LAC 33:IX.2526.

7. You must implement the recordkeeping requirements specified in LAC 33:IX.2527.

D. Track II. The owner or operator of a new facility that chooses to comply under Track II must comply with the following requirements.

1. You must demonstrate to the state administrative authority that the technologies employed will reduce the level of adverse environmental impact from your cooling water intake structures to a comparable level to that which you would achieve were you to implement the requirements of Paragraphs B.1 and 2 of this Section.

a. Except as specified in Subparagraph D.1.b of this Section, this demonstration must include a showing that the impacts to fish and shellfish, including important forage and predator species, within the watershed will be comparable to those that would result if you were to implement the requirements of Paragraphs B.1 and 2 of this Section. This showing may include consideration of impacts other than impingement mortality and entrainment, including measures that will result in increases in fish and shellfish, but it must demonstrate comparable performance for species that the state administrative authority, in consultation with national, state, or tribal fishery management agencies with responsibility for fisheries potentially affected by your cooling water intake structure, identifies as species of concern.

b. In cases where air emissions and/or energy impacts that would result from meeting the requirements of Paragraphs B.1 and 2 of this Section would result in significant adverse impacts on local air quality, significant adverse impact on local water resources not addressed under Subparagraph D.1.a of this Section, or significant adverse

impact on local energy markets, you may request alternative requirements under LAC 33:IX.2524.

2. You must design and construct your cooling water intake structure so that the total design intake flow from all cooling water intake structures at your facility meet the following requirements.

a. For cooling water intake structures located in a freshwater river or stream, the total design intake flow must be no greater than 5 percent of the source water annual mean flow.

b. For cooling water intake structures located in a lake or reservoir, the total design intake flow must not disrupt the natural thermal stratification or turnover pattern (where present) of the source water, except in cases where the disruption is determined to be beneficial to the management of fisheries for fish and shellfish by any fishery management agency(ies).

c. For cooling water intake structures located in an estuary or tidal river, the total design intake flow over one tidal cycle of ebb and flow must be no greater than 1 percent of the volume of the water column within the area centered about the opening of the intake with a diameter defined by the distance of one tidal excursion at the mean low water level.

3. You must submit the application information required in LAC 33:IX.2331.R and 2525.C.

4. You must implement the monitoring requirements specified in LAC 33:IX.2526.

5. You must implement the recordkeeping requirements specified in LAC 33:IX.2527.

E. You must comply with any more stringent requirements relating to the location, design, construction, and capacity of a cooling water intake structure or monitoring requirements at a new facility that the state administrative authority deems reasonably necessary to comply with any provision of state law, including compliance with applicable state water quality standards (including designated uses, criteria, and antidegradation requirements).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1769 (August 2002).

§2524. May Alternative Requirements Be Authorized?

A. Any interested person may request that alternative requirements less stringent than those specified in LAC 33:IX.2523.A-E be imposed in the permit. The state administrative authority may establish alternative requirements less stringent than the requirements of LAC 33:IX.2523.A-E only if:

1. there is an applicable requirement under LAC 33:IX.2523.A-E;

2. the state administrative authority determines that data specific to the facility indicate that compliance with the requirement at issue would result in compliance costs wholly out of proportion to those EPA considered in establishing the requirement at issue or would result in significant adverse impacts on local air quality, significant adverse impacts on local water resources not addressed under LAC 33:IX.2523.D.1.a, or significant adverse impacts on local energy markets;

3. the alternative requirement requested is no less stringent than justified by the wholly out of proportion cost or the significant adverse impacts on local air quality, significant adverse impacts on local water resources not addressed under LAC 33:IX.2523.D.1.a, or significant adverse impacts on local energy markets; and

4. the alternative requirement will ensure compliance with other applicable provisions of the CWA and any applicable requirement of state law.

B. The burden is on the person requesting the alternative requirement to demonstrate that the alternative requirements should be authorized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1771 (August 2002).

§2525. As an Owner or Operator of a New Facility, What Must I Collect and Submit When I Apply for My New or Reissued LPDES Permit?

A. As an owner or operator of a new facility, you must submit the application information required by LAC 33:IX.2331.R and the information required in either Subsection B of this Section for Track I or Subsection C of this Section for Track II when you apply for a new or reissued LPDES permit in accordance with LAC 33:IX.2331. You must also submit to the state administrative authority a statement that you intend to comply with either:

1. the Track I requirements for new facilities that withdraw equal to or greater than 10 MGD in LAC 33:IX.2523.B;

2. the Track I requirements for new facilities that withdraw equal to or greater than 2 MGD and less than 10 MGD in LAC 33:IX.2523.C; or

3. the requirements for Track II in LAC 33:IX.2523.D.

B. Track I Application Requirements. To demonstrate compliance with Track I requirements in LAC 33:IX.2523.B or C, you must collect and submit to the state administrative authority the information in Paragraphs B.1-4 of this Section.

1. Flow Reduction Information. If you must comply with the flow reduction requirements in LAC 33:IX.2523.B.1, you must submit the following information to the state administrative authority to demonstrate that you have reduced your flow to a level commensurate with that which can be attained by a closed-cycle recirculating cooling water system:

a. a narrative description of your system that has been designed to reduce your intake flow to a level commensurate with that which can be attained by a closed-cycle recirculating cooling water system and any engineering calculations, including documentation demonstrating that your makeup and blowdown flows have been minimized; and

b. if the flow reduction requirement is met entirely or in part by reusing or recycling water withdrawn for cooling purposes in subsequent industrial processes, you must provide documentation that the amount of cooling water that is not reused or recycled has been minimized.

2. Velocity Information. You must submit the following information to the state administrative authority to

demonstrate that you are complying with the requirement to meet a maximum through-screen design intake velocity of no more than 0.5 ft/s at each cooling water intake structure as required in LAC 33:IX.2523.B.2 and C.1:

a. a narrative description of the design, structure, equipment, and operation used to meet the velocity requirement; and

b. design calculations showing that the velocity requirement will be met at minimum ambient source water surface elevations (based on best professional judgment using available hydrological data) and maximum head loss across the screens or other device.

3. Source Water Body Flow Information. You must submit to the state administrative authority the following information to demonstrate that your cooling water intake structure meets the flow requirements in LAC 33:IX.2523.B.3 and C.2.

a. If your cooling water intake structure is located in a freshwater river or stream, you must provide the annual mean flow and any supporting documentation and engineering calculations to show that your cooling water intake structure meets the flow requirements.

b. If your cooling water intake structure is located in an estuary or tidal river, you must provide the mean low water tidal excursion distance and any supporting documentation and engineering calculations to show that your cooling water intake structure facility meets the flow requirements.

c. If your cooling water intake structure is located in a lake or reservoir, you must provide a narrative description of the water body thermal stratification and any supporting documentation and engineering calculations to show that the natural thermal stratification and turnover pattern will not be disrupted by the total design intake flow. In cases where the disruption is determined to be beneficial to the management of fisheries for fish and shellfish, you must provide supporting documentation and include a written concurrence from any fisheries management agency(ies) with responsibility for fisheries potentially affected by your cooling water intake structure(s).

4. Design and Construction Technology Plan. To comply with LAC 33:IX.2523.B.4 and 5 or C.3 and 4, you must submit to the state administrative authority the following information in a design and construction technology plan:

a. information to demonstrate whether or not you meet the criteria in LAC 33:IX.2523.B.4 and 5 or C.3 and 4;

b. delineation of the hydraulic zone of influence for your cooling water intake structure; and

c. for new facilities required to install design and construction technologies and/or operational measures, a plan explaining the technologies and measures you have selected based on information collected for the source water biological baseline characterization required by LAC 33:IX.2331.R.4. (Examples of appropriate technologies include, but are not limited to, wedgewire screens, fine mesh screens, fish-handling and return systems, barrier nets, and aquatic filter barrier systems. Examples of appropriate operational measures include, but are not limited to, seasonal shutdowns or reductions in flow and continuous operations of screens.) The plan must contain the following information:

i. a narrative description of the design and operation of the design and construction technologies, including fish-handling and return systems, that you will use to maximize the survival of those species expected to be most susceptible to impingement. You must provide species-specific information that demonstrates the efficacy of the technology;

ii. a narrative description of the design and operation of the design and construction technologies that you will use to minimize entrainment of those species expected to be the most susceptible to entrainment. You must provide species-specific information that demonstrates the efficacy of the technology; and

iii. design calculations, drawings, and estimates to support the descriptions provided in Clauses B.4.c.i and ii of this Section.

C. Application Requirements for Track II. If you have chosen to comply with the requirements of Track II in LAC 33:IX.2523.D, you must collect and submit the following information.

1. Source Water Body Flow Information. You must submit to the state administrative authority the following information to demonstrate that your cooling water intake structure meets the source water body requirements in LAC 33:IX.2523.D.2.

a. If your cooling water intake structure is located in a freshwater river or stream, you must provide the annual mean flow and any supporting documentation and engineering calculations to show that your cooling water intake structure meets the flow requirements.

b. If your cooling water intake structure is located in an estuary or tidal river, you must provide the mean low water tidal excursion distance and any supporting documentation and engineering calculations to show that your cooling water intake structure facility meets the flow requirements.

c. If your cooling water intake structure is located in a lake or reservoir, you must provide a narrative description of the water body thermal stratification and any supporting documentation and engineering calculations to show that the natural thermal stratification and thermal or turnover pattern will not be disrupted by the total design intake flow. In cases where the disruption is determined to be beneficial to the management of fisheries for fish and shellfish, you must provide supporting documentation and include a written concurrence from any fisheries management agency(ies) with responsibility for fisheries potentially affected by your cooling water intake structure(s).

2. Track II Comprehensive Demonstration Study. You must perform and submit the results of a comprehensive demonstration study (study). This information is required to characterize the source water baseline in the vicinity of the cooling water intake structure(s), characterize operation of the cooling water intake(s), and to confirm that the technology(ies) proposed and/or implemented at your cooling water intake structure reduce the impacts to fish and shellfish to levels comparable to those you would achieve were you to implement the requirements in LAC 33:IX.2523.B.1 and 2 of Track I. To meet the "comparable level" requirement, you must demonstrate that:

a. you have reduced both impingement mortality and entrainment of all life stages of fish and shellfish to 90 percent or greater of the reduction that would be achieved through LAC 33:IX.2523.B.1 and 2; or

b. if your demonstration includes consideration of impacts other than impingement mortality and entrainment, that the measures taken will maintain the fish and shellfish in the water body at a substantially similar level to that which would be achieved through LAC 33:IX.2523.B.1 and 2; and

c. you must develop and submit a plan to the state administrative authority containing a proposal for how information will be collected to support the study. The plan must include:

i. a description of the proposed and/or implemented technology(ies) to be evaluated in the study;

ii. a list and description of any historical studies characterizing the physical and biological conditions in the vicinity of the proposed or actual intakes and their relevancy to the proposed study. If you propose to rely on existing source water body data, it must be no more than five years old, you must demonstrate that the existing data are sufficient to develop a scientifically valid estimate of potential impingement and entrainment impacts, and you must provide documentation showing that the data were collected using appropriate quality assurance/quality control procedures;

iii. any public participation or consultation with federal or state agencies undertaken in developing the plan; and

iv. a sampling plan for data that will be collected using actual field studies in the source water body. The sampling plan must document all methods and quality assurance procedures for sampling and data analysis. The sampling and data analysis methods you propose must be appropriate for a quantitative survey and based on consideration of methods used in other studies performed in the source water body. The sampling plan must include a description of the study area (including the area of influence of the cooling water intake structure and at least 100 meters beyond), taxonomic identification of the sampled or evaluated biological assemblages (including all life stages of fish and shellfish), and sampling and data analysis methods; and

d. you must submit documentation of the results of the study to the state administrative authority. Documentation of the results of the study must include:

i. Source Water Biological Study. The source water biological study must include:

(a) a taxonomic identification and characterization of aquatic biological resources including a summary of historical and contemporary aquatic biological resources, determination and description of the target populations of concern (those species of fish and shellfish and all life stages that are most susceptible to impingement and entrainment), and a description of the abundance and temporal/spatial characterization of the target populations based on the collection of multiple years of data to capture the seasonal and daily activities (e.g., spawning, feeding, and water column migration) of all life stages of fish and shellfish found in the vicinity of the cooling water intake structure;

(b) an identification of all threatened or endangered species that might be susceptible to impingement and entrainment by the proposed cooling water intake structure(s); and

(c) a description of additional chemical, water quality, and other anthropogenic stresses on the source water body.

ii. Evaluation of Potential Cooling Water Intake Structure Effects. This evaluation will include:

(a) calculations of the reduction in impingement mortality and entrainment of all life stages of fish and shellfish that would need to be achieved by the technologies you have selected to implement to meet requirements under Track II. To do this, you must determine the reduction in impingement mortality and entrainment that would be achieved by implementing the requirements of LAC 33:IX.2523.B.1 and 2 of Track I at your site; and

(b) an engineering estimate of efficacy for the proposed and/or implemented technologies used to minimize impingement mortality and entrainment of all life stages of fish and shellfish and maximize survival of impinged life stages of fish and shellfish. You must demonstrate that the technologies reduce impingement mortality and entrainment of all life stages of fish and shellfish to a comparable level to that which you would achieve were you to implement the requirements in LAC 33:IX.2523.B.1 and 2 of Track I. The efficacy projection must include a site-specific evaluation of technology(ies) suitability for reducing impingement mortality and entrainment based on the results of the source water biological study in Clause C.2.d.i of this Section. Efficacy estimates may be determined based on case studies that have been conducted in the vicinity of the cooling water intake structure and/or site-specific technology prototype studies.

iii. Evaluation of Proposed Restoration Measures. If you propose to use restoration measures to maintain the fish and shellfish, as allowed in LAC 33:IX.2523.D.1.a, you must provide the following information to the state administrative authority:

(a) information and data to show that you have coordinated with the appropriate fishery management agency(ies); and

(b) a plan that provides a list of the measures you plan to implement and how you will demonstrate and continue to ensure that your restoration measures will maintain the fish and shellfish in the water body to a substantially similar level to that which would be achieved through LAC 33:IX.2523.B.1 and 2.

iv. Verification Monitoring Plan. You must include in the study the following:

(a) a plan to conduct, at a minimum, two years of monitoring to verify the full-scale performance of the proposed or implemented technologies and operational measures. The verification study must begin at the start of operations of the cooling water intake structure and continue for a sufficient period of time to demonstrate that the facility is reducing the level of impingement and entrainment to the level documented in Clause C.2.d.ii of this Section. The plan must describe the frequency of monitoring and the parameters to be monitored. The state administrative authority will use the verification monitoring to confirm that you are meeting the level of impingement mortality and

entrainment reduction required in LAC 33:IX.2523.D and that the operation of the technology has been optimized; and

(b). a plan to conduct monitoring to verify that the restoration measures will maintain the fish and shellfish in the water body to a substantially similar level as that which would be achieved through LAC 33:IX.2523.B.1 and 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1771 (August 2002).

§2526. As an Owner or Operator of a New Facility, Must I Perform Monitoring?

A. As an owner or operator of a new facility, you will be required to perform monitoring to demonstrate your compliance with the requirements specified in LAC 33:IX.2523.

B. Biological Monitoring. You must monitor both impingement and entrainment of the commercial, recreational, and forage base fish and shellfish species identified in either the source water baseline biological characterization data required by LAC 33:IX.2331.R.4 or the comprehensive demonstration study required by LAC 33:IX.2525.C.2, depending on whether you chose to comply with Track I or Track II. The monitoring methods used must be consistent with those used for the source water baseline biological characterization data required by LAC 33:IX.2331.R.4 or the comprehensive demonstration study required by LAC 33:IX.2525.C.2. You must follow the monitoring frequencies identified in Paragraphs B.1 and 2 of this Section for at least two years after the initial permit issuance. After that time, the state administrative authority may approve a request for less frequent sampling in the remaining years of the permit term and when the permit is reissued, if supporting data show that less frequent monitoring would still allow for the detection of any seasonal and daily variations in the species and numbers of individuals that are impinging or entrained.

1. Impingement Sampling. You must collect samples to monitor impingement rates (simple enumeration) for each species over a 24-hour period and no less than once per month when the cooling water intake structure is in operation.

2. Entrainment Sampling. You must collect samples to monitor entrainment rates (simple enumeration) for each species over a 24-hour period and no less than biweekly during the primary period of reproduction, larval recruitment, and peak abundance identified during the source water baseline biological characterization required by LAC 33:IX.2331.R.4 or the comprehensive demonstration study required by LAC 33:IX.2525.C.2. You must collect samples only when the cooling water intake structure is in operation.

C. Velocity Monitoring. If your facility uses surface intake screen systems, you must monitor head loss across the screens and correlate the measured value with the design intake velocity. The head loss across the intake screen must be measured at the minimum ambient source water surface elevation (best professional judgment based on available hydrological data). The maximum head loss across the screen for each cooling water intake structure must be used

to determine compliance with the velocity requirement in LAC 33:IX.2523.B.2 or C.1. If your facility uses devices other than surface intake screens, you must monitor velocity at the point of entry through the device. You must monitor head loss or velocity during initial facility startup and, thereafter, at the frequency specified in your LPDES permit, but no less than once per quarter.

D. Visual or Remote Inspections. You must either conduct visual inspections or employ remote monitoring devices during the period the cooling water intake structure is in operation. You must conduct visual inspections at least weekly to ensure that any design and construction technologies required in LAC 33:IX.2523.B.4 and 5 or C.3 and 4 are maintained and operated to ensure that they will continue to function as designed. Alternatively, you must inspect via remote monitoring devices to ensure that the impingement and entrainment technologies are functioning as designed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1774 (August 2002).

§2527. As an Owner or Operator of a New Facility, Must I Keep Records and Report?

A. As an owner or operator of a new facility, you are required to keep records and report information and data to the state administrative authority as described in Subsections B and C of this Section.

B. You must keep records of all the data used to complete the permit application and show compliance with the requirements, any supplemental information developed under LAC 33:IX.2525, and any compliance monitoring data submitted under LAC 33:IX.2526 for a period of at least three years from the date of permit issuance. The state administrative authority may require that these records be kept for a longer period.

C. You must provide the following to the state administrative authority in a yearly status report:

1. biological monitoring records for each cooling water intake structure as required by LAC 33:IX.2526.B;

2. velocity and head loss monitoring records for each cooling water intake structure as required by LAC 33:IX.2526.C; and

3. records of visual or remote inspections as required by LAC 33:IX.2526.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1774 (August 2002).

§2528. What Must the State Administrative Authority Do to Comply with the Requirements of this Subchapter?

A. Permit Application. The state administrative authority must review materials submitted by the applicant under LAC 33:IX.2331.R.3 and 2525 at the time of the initial permit application and before each permit renewal or reissuance.

1. After receiving the initial permit application from the owner or operator of a new facility, the state administrative authority must determine applicable standards in LAC 33:IX.2523 to apply to the new facility. In addition,

the state administrative authority must review materials to determine compliance with the applicable standards.

2. For each subsequent permit renewal, the state administrative authority must review the application materials and monitoring data to determine whether requirements or additional requirements for design and construction technologies or operational measures should be included in the permit.

3. For Track II facilities, the state administrative authority may review the information collection proposal plan required by LAC 33:IX.2525.C.2.c. The facility may initiate sampling and data collection activities prior to receiving comment from the state administrative authority.

B. Permitting Requirements. Section 316(b) of the CWA requirements are implemented for a facility through an LPDES permit. The state administrative authority must determine, based on the information submitted by the new facility in its permit application, the appropriate requirements and conditions to include in the permit based on the track (Track I or Track II) the new facility has chosen to comply with. The following requirements must be included in each permit.

1. Cooling Water Intake Structure Requirements. At a minimum, the permit conditions must include the performance standards that implement the requirements of LAC 33:IX.2523.B.1, 2, 3, 4, and 5, C.1, 2, 3, and 4, or D.1 and 2. In determining compliance with proportional flow requirement in LAC 33:IX.2523.B.3.b, C.2.b, and D.2.b, the state administrative authority must consider anthropogenic factors (those not considered "natural") unrelated to the new facility's cooling water intake structure that can influence the occurrence and location of a thermocline. These include source water inflows, other water withdrawals, managed water uses, wastewater discharges, and flow/level management practices (i.e., some reservoirs release water from below the surface, close to the deepest areas).

a. For a facility that chooses Track I, the state administrative authority must review the design and construction technology plan required in LAC 33:IX.2525.B.4 to evaluate the suitability and feasibility of the technology proposed to minimize impingement mortality and entrainment of all life stages of fish and shellfish. In the first permit issued, the state administrative authority must put a condition requiring the facility to reduce impingement mortality and entrainment commensurate with the implementation of the technologies in the permit. Under subsequent permits, the state administrative authority must review the performance of the technologies implemented and require additional or different design and construction technologies, if needed to minimize impingement mortality and entrainment of all life stages of fish and shellfish. In addition, the state administrative authority must consider whether more stringent conditions are reasonably necessary in accordance with LAC 33:IX.2523.E.

b. For a facility that chooses Track II, the state administrative authority must review the information submitted with the comprehensive demonstration study information required in LAC 33:IX.2525.C.2 and evaluate the suitability of the proposed design and construction technologies and operational measures to determine whether they will reduce both impingement mortality and entrainment of all life stages of fish and shellfish to 90

percent or greater of the reduction that could be achieved through Track I. If the state administrative authority determines that restoration measures are appropriate at the new facility for consideration of impacts other than impingement mortality and entrainment, the state administrative authority must review the evaluation of proposed restoration measures and evaluate whether the proposed measures will maintain the fish and shellfish in the water body at a substantially similar level to that which would be achieved through LAC 33:IX.2523.B.1 and 2. In addition, the state administrative authority must review the verification monitoring plan in LAC 33:IX.2525.C.2.d.iv and require that the proposed monitoring begin at the start of operations of the cooling water intake structure and continue for a sufficient period of time to demonstrate that the technologies, operational measures, and restoration measures meet the requirements in LAC 33:IX.2523.D.1. Under subsequent permits, the state administrative authority must review the performance of the additional and/or different technologies or measures used and determine that they reduce the level of adverse environmental impact from the cooling water intake structures to a comparable level that the facility would achieve were it to implement the requirements of LAC 33:IX.2523.B.1 and 2.

2. Monitoring Conditions. At a minimum, the permit must require the permittee to perform the monitoring required in LAC 33:IX.2526. The state administrative authority may modify the monitoring program when the permit is reissued and during the term of the permit based on changes in physical or biological conditions in the vicinity of the cooling water intake structure. The state administrative authority may require continued monitoring based on the results of the verification monitoring plan in LAC 33:IX.2525.C.2.d.iv.

3. Recordkeeping and Reporting. At a minimum, the permit must require the permittee to report and keep records as required by LAC 33:IX.2527.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1774 (August 2002).

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Assistant Secretary

0208#038

RULE

Department of Health and Hospitals Board of Dentistry

General Provisions; Dentists; Fees and Costs; Dental Assistants; Dental Hygienists; Transmission Prevention of Hepatitis B and C Virus, and HIV; Licensure Examinations; and Criminal History Records Information (LAC 46:XXXIII.101, 110, 113, 118, 122, 124, 301, 306, 316, 318, 411, 415, 419, 504, 508, 706, 710, 714, 1207, 1711, 1713, and Chapter 18)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760.(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.110, 122,

124, 301, 306, 316, 318, 411, 415, 419, 504, 706, 710, 1207, and 1711, adopted §§113, 508, 1713, and Chapter 18 "Criminal History Records Information," and repealed §§101, 118, 714. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 1. General Provisions

§101. Requirements for Examination Applicants

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 2:186 (June 1976), repealed LR 28:1776 (August 2002).

§110. Licensees Suffering Impairment Due to Alcohol or Substance Abuse

A. After considerable study and review of other state practices in regards to evaluation, diagnosis, prognosis, and treatment of licensees suffering impairment through chemical or drug abuse, the board shall hereby abide by the following procedures.

1. Repealed.

A.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(2) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), amended LR 28:1776 (August 2002).

§113. Public Comment at Board Meetings

A. A public comment period shall be held at or near the beginning of each board meeting, or any other time deemed appropriate by the board president. Persons desiring to present public comments shall notify the board or its executive director prior to the beginning of the meeting. However, to assure that an opportunity is afforded all persons who desire to make public comments, the board president shall inquire at the beginning of the meeting if there are additional persons who wish to comment. The board president shall allot the time available for the public comments in an equitable manner among those persons desiring to comment, limiting each person to a maximum of three minutes, with the total comment period not to exceed 30 minutes. Each person making public comments shall identify himself and the group, organization or company, if any, he represents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:5.D and R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1776 (August 2002).

§118. Guidelines for Granting Return to Active Status

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1113 (June 1998), repealed LR 28:1776 (August 2002).

§122. Scopes of Practice

A. The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and approves of the following specialties:

1. dental public health;
2. endodontics;
3. oral and maxillofacial surgery;
4. oral pathology;
5. orthodontic and facial orthopedics;
6. pediatric dentistry;
7. periodontics;
8. prosthodontics; and
9. oral and maxillofacial radiology.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:1776 (August 2002).

§124. Guidelines for Returning to Active Status

A. Section 124 is intended to provide guidelines to enable the board to provide evaluation and remediation to dentists and dental hygienists who have not actively practiced their profession for a sufficient length of time for any reason which would justify various levels of remediation to assure the board that the dentist or dental hygienist is sufficiently qualified to again practice on the public. This Section applies whether or not a license has been inactivated.

B. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 25:511 (March 1999), amended LR 28:1776 (August 2002).

§301. Advertising and Soliciting by Dentists

A. - C.8. ...

D. Definitions

Advertisement and *Advertising* Any statement, oral or written, disseminated to or displayed before the public or any portion thereof with the intent of furthering the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter into any obligation relating to such professional services. The provisions of this Section shall apply to *advertising* of any nature regardless of whether it is in the form of paid advertising.

Dental Public Health The science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs, as well as the prevention and control of dental diseases on a community basis. Implicit in this definition is the requirement that the specialist have broad knowledge and skills in public health administration, research methodology, the prevention and control of oral diseases, the delivery and financing of oral health care, and the identification and development of resources to accomplish health goals.

Endodontics The branch of dentistry that is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic clinical sciences including biology of the normal pulp, the etiology, diagnosis,

prevention, and treatment of diseases and injuries of the pulp; and associated periradicular condition.

Oral and Maxillofacial Radiology the specialty of dentistry and the discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy, in a manner that minimizes risk to the patient, operator and the public, that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.

Oral and Maxillofacial Surgery the specialty of dentistry which includes the diagnosis, surgical, and adjunctive treatment of diseases, injuries and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

Oral Pathology the specialty of dentistry and discipline of pathology which deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes and effect of these diseases. The practice of oral pathology includes research, diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations, and management of patients.

Orthodontics and Dentofacial Orthopedics the area of dentistry concerned with the supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception, and treatment of all forms of malocclusion of the teeth and associated alterations of their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiological and aesthetic harmony among facial and cranial structures.

Pediatric Dentistry an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

Periodontics that specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of those structures and tissues.

Prosthodontics the branch of dentistry pertaining to the restoration and maintenance of oral function, comfort, appearance and health of the patient by the restoration of the natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissue with artificial substitutes.

E. - H. ...

I. Prohibition on Advertising Names of Persons Not Involved in Practice. Advertising which includes the name of a person who is neither actually involved in the practice of dentistry at the advertised location nor an owner of the practice being advertised is not permitted. However, to facilitate the smooth transition of a practice after its sale from one licensee to another, it is permissible to identify the

previous owner in advertising by the new owner for a reasonable period of time not to exceed a period of twenty-four months. If a practice is being managed in transition following the death or disablement of a dentist, it is permissible to identify the deceased or disabled dentist in advertising for a period not to exceed twenty-four months following the death or disability of said dentist. This rule does not provide authority to use a previous owner's name in any advertising without first obtaining that licensee's or his legal representative's written permission to do so.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 28:1776 (August 2002).

§306. Requirements of Applicants for Licensure by Credentials

A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing:

1. - 4. ...

5. has not failed the clinical examination of the Louisiana State Board of Dentistry within the last 10 years;

6. - 20. ...

B. The applicant must also:

1. - 4. ...

5. provide satisfactory documentation that the initial licensing examination passed by the applicant included the use of live patients and that the overall examination was at least equivalent to the licensing examination of the Louisiana State Board of Dentistry.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 28:1777 (August 2002).

§316. Disclosure of Financial Interests by Referring Dental Health Care Provider

A. This rule is authorized and mandated by R.S. 37:1744 and R.S. 37:1745 and a violation of §316 will constitute a violation of either R.S. 37:776.A.(24) or R.S. 37:777.A.(18).

B. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8) and mandated by R.S. 37:1744.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 23:1527 (November 1997), amended LR 25:512 (March 1999), LR 27:1891 (November 2001), LR 28:1777 (August 2002).

§318. Patient Records

A. - B.1.c. ...

2. A handling charge not to exceed \$7.50 and actual postage may also be charged.

3. ...

C. Computerized records are acceptable provided they meet the following requirements.

1. Information entered must not be alterable and must include the date of data entry.

2. The system must not permit placement of a date different from the actual date of data entry.

3. The software vendor certifies that the system meets these requirements.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8) and R.S. 40:1299.96.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:1777 (August 2002).

§411. Miscellaneous Fees and Costs

A. For providing the services indicated the following fees shall be payable in advance to the board.

1. - 8. ...

9. Bound copy of Dental Practice Act \$ 35

10. Unbound copy of Dental Practice Act \$ 25

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8) and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 19:207 (February 1993), LR 28:1778 (August 2002).

§415. Licenses, Permits, and Examinations (Dentists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board.

1. Examination and licensing of dental applicant \$750

2.-10. ...

11. Application and permitting for general or parenteral anesthesia permit \$400

12. Application and permitting for nitrous oxide permit \$ 50

13. Renewal of general sedation or parenteral anesthesia permit \$200

14. Renewal of nitrous oxide anesthesia permit \$ 50

15. Biennial application and permit for mobile or movable dental office \$400

16. Criminal history background check \$100

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8) and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1526 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002).

§419. Licenses, Permits, and Examinations (Dental Hygienists)

A. For processing applications for licensure, permits, and examinations, the following fees shall be payable in advance to the board.

1. - 7. ...

8. Examination and permitting of dental hygiene applicants for administration of local anesthesia \$ 50

9. Renewal fee for dental hygienists' administration of local anesthesia \$ 50

10. Criminal history background check \$100

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8) and R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002).

§504. Authorized Providers of Instruction for Expanded Duty Dental Assistant Courses

A. Louisiana State University School of Dentistry and University of Louisiana at Monroe School of Dental Hygiene; or

B. Louisiana State Schools of Allied Health Science including vocational technical schools in affiliation with Louisiana State University School of Dentistry and University of Louisiana Monroe School of Dental Hygiene;

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:205 (February 1993), amended LR 25:510 (March 1999), LR 28:1778 (August 2002).

§508. Dental Assistants Graduating from Dental Assisting Schools Approved by the Commission on Dental Accreditation

A. Since the inception of R.S. 37:751.A.(6) defining an expanded duty dental assistant as a graduate from a dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association, many changes in technology and dental materials have taken place, and in the interest of the protection of the public those persons seeking expanded duty dental assistant status and who have graduated from CODA accredited schools, must comply with the following:

1. present satisfactory documentation from their dental assisting school evidencing training in all functions which expanded duty dental assistants are allowed to perform. If their training is inadequate, they must undergo remediation in a program approved by the board; or

2. complete a full expanded duty dental assistant program approved by the Louisiana State Board of Dentistry.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1778 (August 2002).

§706. Requirements of Applicants for Licensure by Credentials (Hygienists)

A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing that he/she:

1. - 4. ...

5. has not failed the clinical examination of the Louisiana State Board of Dentistry within the preceding ten years;

6. - 19. ...

B. The applicant must also:

1. - 2. ...

3. Repealed.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760.(8) and R. S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 28:1778 (August 2002).

§710. Administration of Local Anesthesia for Dental Purposes

A. - D. ...

E. A dental hygienist who has been licensed and trained in a course equivalent to §710.B and C to administer local anesthesia in another state may qualify, at the discretion of the board, to take the examination by presenting written documentation of such licensure and training to the board and documentation of experience in the past two years and by gaining approval of the board through the interview process.

F. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 28:1779 (August 2002).

§714. Administration of Local and/or Block Anesthesia by Dental Hygienists Licensed by Credentials

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1293 (July 1998), repealed LR 28:1779 (August 2002).

Chapter 12. Transmission Prevention of Hepatitis B Virus, Hepatitis C Virus, and Human Immunodeficiency Virus

§1207. Self-Reporting

A. - D. ...

E. Aforementioned reporting forms will be provided to each licensee with his or her license and additionally with his or her biennial license renewal application, or upon request.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:743 (July 1992), amended LR 21:573 (June 1995), LR 28:1779 (August 2002).

Chapter 17. Licensure Examinations

§1711. Examination of Dental Hygienists

A. ...

B. An applicant shall be entitled to take the examinations required in this Section to practice dental hygiene in this state if such applicant:

1. - 3. ...

4. has successfully completed the National Board Dental Hygiene Examination as administered by the American Dental Association.

C.1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), LR 28:1779 (August 2002).

§1713. Examination Application Deadlines

A. In order to qualify to sit for the Louisiana State Board of Dentistry clinical licensing examinations in dentistry, complete application forms and applicable fees must be received at the board office no later than 60 days prior to the first date of the examination. Dentists taking the re-make examination and hygienists taking the examination for the first time at the time that the remake examination is given must have their completed application and applicable fees in the board office no later than 30 days prior to the first date of the administration of the make up examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1779 (August 2002).

Chapter 18. Criminal History Records Information

§1801. Scope of Chapter

A. The rules of this chapter govern the collection and use of criminal history records information in connection with applications for an initial license, renewal, or reinstatement of a license of a dentist or dental hygienist in conformity with R.S. 37:763.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1779 (August 2002).

§1803. Definitions

A. As used in this chapter, the following terms shall have the meanings specified.

Applicant Can an individual who has made application to the board for the issuance or reinstatement of any license, permit, certificate, or registration which the board is authorized by law to issue.

Board Cthe Louisiana State Board of Dentistry.

Bureau Cthe Louisiana Bureau of Criminal Identification and Information of the Office of State Police within the Department of Public Safety and Corrections.

Criminal History Record Information Cinformation collected by the bureau or the Federal Bureau of Investigation of the United States Department of Justice or an individual consisting of detentions, indictments, bills of information, or any formal criminal charges and any disposition arising therefrom, including sentencing, criminal correctional supervision and release. *Criminal history record information* does not include information collected for intelligence or investigatory purposes nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

FBIC Cthe Federal Bureau of Investigation of the United States Department of Justice.

Licensure or *License* Cany license, permit, certification, or registration which the board is authorized by law to issue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1779 (August 2002).

§1805. Criminal History Record Information Requirement

A. As a condition for eligibility for the issuance of an initial license or the reinstatement of any license, an

applicant must submit to the board such number of full sets of fingerprints, other identifiable information, and fees and costs as may be incurred by the board in requesting or obtaining criminal history record information, in the form and manner prescribed in §1809.

B. The board will use the fingerprints to request and obtain criminal history record information relative to the applicant as provided in R.S. 37:763.1.

C. The application of an applicant who fails to comply with the requirements set forth in §1805.A shall be deemed incomplete and shall not be considered by the board unless and until such requirements have been satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1779 (August 2002).

§1807. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an acknowledgement and authorization by the applicant to any state or federal agency, including, but not limited to, the bureau and the FBI, to disclose and release to the board any and all state, national, or foreign criminal history record information; the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant for disclosure and release of such information and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. The submission of an application for licensure to the board shall constitute and operate as an acknowledgement and authorization by the applicant to the board's utilization of criminal history record information to determine his or her suitability and eligibility for licensure, and whether just cause exists for the board to refuse to issue, suspend, revoke, or impose probationary or other terms, conditions, or restrictions on any license held or applied for by an applicant in the state of Louisiana for violation of any of the causes specified by R.S. 37:776 or R.S. 37:777, and the board's rules respecting any such health care provider as set forth in LAC 46:XXXIII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1780 (August 2002).

§1809. Procedural Requirements

A. In conformity with the substantive requirements of §1805, an application for licensure, whether initial, by credential, or reinstatement to the board, shall be accompanied by each of the following:

1. two or such other number of fully completed fingerprint record cards, containing all identifiable information requested, as well as certified sets of fingerprints which have been affixed by a sheriff, police officer, or other law enforcement personnel;

2. a check in the amount of no less than \$100 in satisfaction of the fees and costs incurred by the board to process fingerprint cards and to request and to receive criminal history record information, as well as two money orders for the following amounts:

a. one in the amount of \$10 made payable to the bureau; and

b. one in the amount of \$24 made payable to the FBI.

B. Fingerprint cards and instructions pertaining thereto will be supplied by the board with an application. Such cards and instructions may also be obtained upon written request directed to the office of the board.

C. An applicant shall be responsible for any increase in the amounts specified in §1809.A.2, which may be assessed by any state or federal agency, including, but not limited to, the bureau and the FBI, or for the fees and costs which may be incurred by the board in requesting and obtaining criminal history record information. An applicant shall also be responsible for payment of any processing fees and costs resulting from a fingerprint card being rejected by any state or federal agency, including, but not limited to, the bureau and the FBI.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1780 (August 2002).

§1811. Falsification of Criminal Record Information

A. An applicant who denies the existence or extent of criminal history record information on an application, which is discovered by information, records, or documentation provided by the Bureau, FBI, or any other state, national, or foreign jurisdiction shall, in addition to the potential disqualification of licensure for any of the causes specified in §1807.B, be deemed to have provided false, misleading, or deceptive information, or false sworn information on an application for licensure, and to have engaged in unprofessional conduct, providing additional cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by an applicant in the State of Louisiana culpable of such violation, pursuant to R.S. 37:776.A.(3) or R.S. 37:777.A.(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1780 (August 2002).

§1813. Confidentiality of Criminal History Record Information

A. Criminal history record information obtained by the board pursuant to R.S. 37:763.1 and the rules of this Chapter, which is not already a matter of public record or to which the privilege of confidentiality has not otherwise been waived or abandoned, shall be deemed nonpublic and confidential information, restricted to and utilized exclusively by the board, its officers, members, investigators, employees, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. Criminal history record information shall not, except with the written consent of the applicant or by the order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency, provided, however, that any such information or documents which are admitted into evidence and made part of the administrative record in any adjudicatory proceeding before the board shall

become public records upon the filing of a petition for judicial review of the board's final decision therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1780 (August 2002).

§1815. Exceptions to Criminal History Information Requirement

A. The criminal history record information requirements prescribed by this chapter shall not be applicable to a dentist or dental hygienist applicant who seeks:

1. a visiting dentist or dental hygienist temporary permit, issued in accordance with LAC 46:XXXIII.120.

B. The criminal history record information requirements prescribed by §§1801-1813 may be waived in such instances as the board, in its discretion, may deem necessary or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:763.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 28:1781 (August 2002).

C. Barry Ogden
Executive Director

0208#014

RULE

**Department of Health and Hospitals
Board of Examiners for Speech-Language
Pathology and Audiology**

**Supervision Requirements for Audiology Aides
(LAC 46:LXXV.103, 107, and 301)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq., the Louisiana Board of Examiners for Speech-Language Pathology and Audiology has amended rules, regulations and procedures to establish supervision requirements for Audiology Aides pursuant to its authority under R.S. 37:2656.C., and based on changes to the laws for Identification of Hearing Impairment in Infants, R.S.46:2261 et seq.

These rules establish minimum supervision requirements and outline the duties that aides can perform for audiologists who use aides in their practice. The rules are consistent with the existing rules for speech-language pathology aides.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXV. Speech Pathology and Audiology

Chapter 1. General Rules

§103. Definitions

* * *

AidesCindividuals not licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology, who after appropriate training, perform tasks that are prescribed, directed, and supervised by speech-language pathologists or audiologists licensed in accordance with LSA R.S. 37:2659(A). Licensed speech-language pathologists and licensed audiologists are legally, ethically, and morally

responsible for the services provided by aides working under their direction.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:705 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), LR 28:1781 (August 2002).

§107. Qualifications for Licensure

A. - I.2.b. ...

c. work with a communication or related disorder unless s/he has had sufficient coursework with appropriate supervised practicum in that area obtained through a regionally accredited educational institution or its cooperating program;

I.2.d. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), LR 28:1781 (August 2002).

Chapter 3. Aides

§301. Qualifications and Duties

A. - B.2.e. ...

f. administration of hearing screening tests.

C. Supervision

1. The licensed speech-language pathologist or audiologist shall provide periodic direct observation for each aide at least once per month during the initial year of the aide's employment. Speech-language pathology aides are required to undergo direct supervision by a licensed speech-language pathologist, licensed in the area in accordance with R.S. 37:2659.A. Audiology aides are required to undergo direct supervision by a licensed audiologist, licensed in the area in accordance with R.S. 37:2659.A. Speech-language pathology aides and audiology aides may not be supervised by a provisional licensee, restricted licensee, or assistant licensee.

2. The direct observation in subsequent years shall be established by the supervising speech-language pathologist or audiologist on an individual basis but shall be no less than once every three months.

C.3. - 5. ...

D. The speech-language pathology aide may engage in activities limited to those that are planned and directed by the supervising speech-language pathologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to speech-language pathology aides:

D.1. - 2. ...

3. preparing materials (such as making copies, typing forms) for use by the speech-language pathologist;

D.4. - 8. ...

E. The audiology aide may engage in activities limited to those that are planned and directed by the supervising audiologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to audiology aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the audiologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screening tests and pure-tone air conduction threshold tests without interpretation;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient/client's performance.

F. Only the speech-language pathologist or audiologist shall exercise independent judgment in the provision of professional services. Specifically, the speech-language pathologist or audiologist may not delegate any of the following to the aide:

1. speech-language screening;
2. evaluation, diagnosis, or therapy with individuals with speech, language or hearing disorders;
3. interpretation of test results or discussion of confidential information despite the fact that this information may have been requested by the patient/client, parent or referring agency;
4. performance of any procedure for which the aide has not been trained.

G. Exemption. Aides employed on or before April 1996 may continue to operate under the provisions of Chapter 3, §§301-305 of the Louisiana Register 16:409 (May 1990) of the Louisiana Board of Examiners for Speech Pathology and Audiology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 16:409 (May 1990), amended LR 22:355 (May 1996), LR 27:201 (February 2001), LR 27:1690 (October 2001), LR 28:1781 (August 2002).

Glenn M. Waguespack, L-AUD
Chairperson

0208#012

RULE

**Department of Health and Hospitals
Board of Nursing
and
Department of Public Safety and Corrections
Office of the Secretary**

Administration of Medications to Children
in Detention Facilities (LAC 22:I.Chapter 5)

The Louisiana State Board of Nursing (herein referred to as the board) and the Department of Public Safety and Corrections (herein referred to as department), pursuant to the authority vested in the board by R.S. 37:918(K), and 15:911 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby promulgate rules to provide for procedures and training that must be in place before any staff member other than any

registered nurse, licensed practical nurse or licensed medical physician can be required to administer medication to children in detention facilities and shelters; to provide for definitions; to provide for the establishment of guidelines for training and the administration of medication; to provide for the rights and responsibilities of employees assigned to detention facilities relative to the administration of medication; and to provide for related matters. The rules are set forth below.

**Title 22
CORRECTIONS, CRIMINAL JUSTICE
AND LAW ENFORCEMENT**

**Chapter 5. Administration of Medications to
Children in Detention Facilities**

§501. Medication Administration

A. Medication shall be administered in a manner consistent with R.S. 15:911 relative to children as described herein.

B. The 2001 Louisiana Legislature authorized the Department of Public Safety and Corrections and the Louisiana State Board of Nursing to jointly promulgate rules which specifically establishes the procedure to be followed for the administration of medication at each detention facility by trained unlicensed juvenile detention center employees in accordance with Act 502 of the 2001 Regular Session. Training requirements shall be set forth in this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1782 (August 2002).

§503. Definitions

A. Definitions as used in this Part:

Act Act 502, H. B. No. 107, R.S. 15:911.

Administer or Administration the giving of either an oral, pre-measured dose inhalant or topical ointment medication to a patient.

Adverse Effects a harmful, unintended reaction to a drug administered at the prescribed normal dosage.

Assessed the Health Status an assessment of the juvenile in the detention center by a licensed physician or registered nurse approved by the department to determine the current level of wellness/illness of the juvenile in accordance with the nursing process.

Authorized Prescriber a person authorized in Louisiana or an adjacent state to prescribe medications.

Board the Louisiana State Board of Nursing.

Child a person under eighteen years of age who, prior to juvenile proceedings, has not been judicially emancipated under Civil Code Article 385 or emancipated by marriage under Civil Code Articles 379 through 384.

Child Specific pertains to a particular juvenile.

Child Specific Training training provided by a qualified registered nurse or physician regarding juveniles to include variations from the usual manner in which a medication is administered and any potential side effects or reactions that should be watched for with any person receiving the medication.

Competence the quality or condition of being legally qualified, eligible or admissible.

Conditions that each of the following requirements of R.S. 15:911 have been met: rules have been jointly promulgated establishing procedures to be followed at each juvenile detention center for the administration of medication; medication not be administered to any child without an order from a person with prescriptive authority in the state of Louisiana or an adjacent state; an assessment of the juvenile's health status has been completed by either the registered nurse or physician and said assessment has determined that the medication can be safely administered by trained unlicensed personnel in the detention center; and the detention facility employees have received documented training and supervision by a registered nurse or physician.

Confidentiality Call information shall be treated as private and not for publication or disclosure without proper authorization.

Container (Includes Blister Pack) that Meets Acceptable Pharmaceutical Standards the original container having the pharmacy's name, address and telephone number, the pharmacist's last name and initial, and the original label that contains the juvenile's name, prescription number if any, date, frequency, name of the medication, dosage, route and the name of the person who prescribed the medication

Controlled Substance Ca drug regulated by federal law under the Controlled Substance Act of 1970.

Current Date the last date that the prescription was filled.

Date the date of the prescription, and when appropriate the refill.

Delegation the process of assigning tasks to a qualified individual. Effective delegation includes the following guidelines: the identified task is clear and related authority specified; the task demands do not exceed the individuals' job description; and the method of supervision is established in advance.

Desired Effect that the drug acts either to cure, relieve, prevent, or diagnose the disease in a manner for which it was prescribed.

Department the Department of Public Safety and Corrections.

Detention Facility any juvenile detention facility, shelter care facility, or other juvenile detention facility.

Disposal of Medication the specific method of getting rid of medication, for example, according to Federal and State laws.

Document Ca written paper bearing the original, official, or legal form of something which can be used to furnish evidence of information.

Documented recording of the juvenile's name, time, medication, dose, route, date, person administering, and unusual observations and circumstances on the daily medication administration record.

Dosage the amount of medication to be administered at one time.

Drug any chemical compound that may be used on or administered to humans as an aid in the diagnosis, treatment, or prevention of disease or other abnormal conditions for the relief of pain or suffering or to control or improve any psychological or pathological condition.

Emergency Medication the medication administered to save a life.

Error the failure to do any of the following as ordered:

- a. administer a medication to a juvenile;
- b. administer medication within the time designated by the prescribing practitioner;
- c. administer the specific medication prescribed for a juvenile;
- d. administer the correct dosage of medication; administer medication by the proper route;
- e. administer the medication according to generally accepted standards of practice.

Exempt to free from an obligation or duty required of others.

Frequency of the Medication the number of times during a day that the medication is to be administered.

Guidelines Ca statement of policy or procedure.

Individual Health Plan the mechanism to assess, plan, implement, document and evaluate health care delivered to an individual juvenile.

Inhalant Medication Ca drug that is introduced into the respiratory tract with inspired air.

Instructions for Medication Call of the information required to administer the medication safely.

Legal Standards the Legal Standards of Nursing Practice as defined in the Louisiana Administrative Code, specifically LAC 46:XLVII.3901-3915.

Mastery having full command of a subject and being capable of performing the skill independently.

Medication any prescription or nonprescription drug.

Medication Order the authorization to administer a medication to a juvenile by an authorized prescriber.

Monitoring the visual observation of the juvenile following the administration of a medication to: ensure compliance; recording medication administration; notifying the authorized prescriber of any side effects or refusal to take the medicine.

Name on the Pharmacy Label the name of the juvenile for whom the prescription was written, the authorized prescriber's name, and the name of the pharmacist filling the prescription.

Non-Prescription Medication over-the-counter preparations obtained without a prescription.

Observer the detention facility employee designated to observe the juvenile for specific reactions as identified by the registered nurse or authorized prescriber.

Oral Medication Ca drug given either by mouth or by a gastrostomy tube.

Pharmacology the science of drug properties, reactions and therapeutics.

Policy the procedures for the administration of medication in juvenile detention centers that are set forth in this part.

Prescription the written order from an authorized prescriber that provides clear instructions, including the name of the juvenile, prescription number, if any, date, frequency, name of medication, dosage, route, and the signature of the authorized prescriber.

Privacy secluded from sight or isolated from view of others; concealment.

PRN as circumstances may require.

Professional Staff the registered nurse or physician employed or contracted by the juvenile detention center.

Protocol Can explicit detailed plan of action.

Qualified Detention Center Personnel C Unlicensed personnel who meet the criteria for entering the medication administration course as specified in the policy and who successfully complete both the written and the practical sections of the course examinations.

Qualified Registered Nurse or Physician C the registered nurse(s) or physician(s) who train unlicensed department employees to administer medications.

Require a Detention Center Employee to Administer Medication C to allow or in any way coerce or encourage an employee to administer medication until the conditions of the Act are met.

Route C the prescription indicates that the medication, other than emergency medication, shall be administered by mouth or gastrostomy tube, by inhalation, or by topical application of an ointment, lotion, etc.

Storage of Medication C the appropriate specific method of handling for safe-keeping and efficacy in a locked space.

Supervision C the method of monitoring, coaching, and overseeing delegated tasks. Levels include: immediate, supervisor is physically present; direct, supervision is present and available at the site; indirect, supervisor is available in person or through electronic means.

Topical Ointment C a medication applied to the surface of the body.

Unit Dose C the medication packaged by the pharmacy so that a single dose can be administered without measuring, breaking, or crushing.

Unlicensed Trained Personnel C a detention facility employee who has successfully completed at least six hours of general and child specific training of the administration of medication course and periodic updates .

Witness C another detention facility employee, who may or may not be trained to administer medication who has been requested to be physically present during the administration of medication to the juvenile.

Written Guidelines Established by the Detention Center C the written procedures for the administration of medication to juveniles in detention centers meet the minimum requirements as set forth in this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1782 (August 2002).

§505. Role of Governing Bodies

A. The Louisiana Legislature enacted R.S. 15:911, Act 502 of 2001.

1. The Nurse Practice Act, R.S. 37:911 et seq. as re-enacted and amended and the administrative rules implementing the Act serve as the legal standards for the practice of registered nurses. The Act creates the board which serves as an arm of the state government to protect the health and welfare of the citizens of the State as far as the practice of the registered nurse is concerned. The board regulates the practice of nurses by licensing qualified individuals as registered nurses. Further, the board investigates complaints relative to the practice of a registered nurse and provides information and direction relative to the legal practice of registered nurses.

2. The department has been directed to perform a variety of tasks related to of R.S. 15:911 including jointly promulgating the rules herein. The department's continuing role will include approval of doctors and registered nurses who are selected by the detention centers to conduct medical assessments and review prescriber's orders in order to determine when the administration of a medication to a particular child housed in a detention center can safely be delegated and performed by someone other than a licensed health professional.

3. The director of the juvenile detention center provides:

a. an appropriate environment and supplies for training unlicensed personnel to administer medications;

b. for collaboration with the registered nurse regarding the safe and appropriate storage of medications and access to the medications by trained unlicensed personnel relative to:

i. the storage of medications in a locked cabinet, closet, or drawer that is used only for the storage of medications;

ii. medications that must be refrigerated to be stored in locked box in the refrigerator;

iii. the counting and the keeping of accurate records on controlled substances on a daily basis;

iv. a double locked cabinet, box or drawer that is used only for the storage of controlled substances;

c. at least two detention facility employees who have the desire and the potential capability to complete successfully the training, to administer medication in a safe and competent manner;

d. administrative supervision for personnel administering medications and cooperates with the registered nurse or physician in the support, supervision, and evaluation of unlicensed trained personnel;

e. relief from all other duties during the period that the unlicensed trained personnel is administering the medications;

f. essential space, materials, equipment, and other requirements;

g. annual in-service for unlicensed trained personnel to maintain and improve technical skills;

h. a procedure for a witness to the medication procedure upon the unlicensed trained personnel's request;

i. a procedure for the withdrawal of a witness upon written request;

j. the maintenance of records documenting the administration of medication in an appropriate, confidential file.

k. a plan to accommodate timely consultation between the trained unlicensed personnel and the registered nurse or physician regarding complications or problems not addressed in the juvenile's individual health plan;

l. a plan to maintain drug security in the work site and on the person in accord with federal and state requirements;

m. a plan for disposal of hazardous waste material in accord with federal guidelines;

n. a record on each individual who successfully completes the unlicensed employee medication administration course. Records must include:

- i. original skills check list scoring;
- ii. a copy of the certificate indicating completion of the medication administration course;
- iii. documentation of successful completion of the annual in-service and evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1784 (August 2002).

§507. Role/Functions of Unlicensed Trained Employees Administering Medications

A. Unlicensed trained employees assume responsibility and accountability for procedures as taught in the course for the administration of medications.

1. Authorized functions of unlicensed trained employees administering medication are to:

- a. receive medication and verify that the label on the medication matches the order on file for the juvenile;
- b. store the medication in the appropriate designated place;
- c. administer oral medications, topical medications, or pre-measured inhalants as prescribed, unless otherwise indicated;
- d. document and maintain on the juvenile's medical record:

- i. receipt, storage, and disposal of medication;
- ii. daily record of administration of medication to the juvenile, including the name, time, medication, dose, route, date, person administering the medication, and observation of desired and adverse effects or unusual occurrences;

iii. appropriate vital signs as indicated by the authorized prescriber and/or knowledge of the drug;

e. report immediately to the registered nurse, physician, or director of the juvenile detention center any discrepancy in the controlled substance drug count;

f. request in writing the desire to have a witness to the procedure(s) or to withdraw the request for a witness;

g. report immediately to the registered nurse, physician, or director of the juvenile detention center any unusual signs, symptoms, or occurrences;

h. seek guidance from the registered nurse or physician when uncertain about medications.

2. Prohibited Functions of Unlicensed Trained Employees Regarding Medication Administration. The unlicensed trained employee shall not:

a. administer medication by intramuscular, intravenous, or subcutaneous route (other than emergency medication which shall be delineated by the registered nurse in consultation with the physician and the juvenile);

b. administer medication by the oral inhalant aerosol route without additional training, documented competency and supervision;

c. receive or assume responsibility for accepting any written or oral and/or telephone orders from an authorized prescriber or any other person;

d. alter medication dosage as delivered from the pharmacy;

e. administer medication to any person other than the juveniles in the specific detention center for which training has occurred;

f. administer any medication when there is indication that the medication has been inappropriately dispensed by the pharmacist or mishandled by other individuals;

g. refuse once trained and all required conditions as defined in RS 15:911 are met, to administer medication without a written excuse from either the physician or the registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1785 (August 2002).

§509. Role of the Professional Staff in the Administration of Medications

A. Either a registered nurse with a current Louisiana license to practice in accordance with The Nurse Practice Act and the board's rules, specifically LAC 46:XLVII.3701-3703 and 3901-3915, or a physician shall be responsible for the delegation of medication administration by trained unlicensed detention center personnel. The duties of the professional staff regarding the administration of medication, include, but are not limited to the following:

1. the development of policies and procedures regarding administration of medication in detention centers, in consultation with the detention center's director;

2. supervision of the implementation of medication administration policies to ensure the safety, health, and welfare of the juveniles in collaboration with the director and appropriate staff;

3. verification that the following conditions have been met before requiring unlicensed trained personnel to administer a medication to a juvenile:

a. that the health status of the juvenile has been assessed to determined that the administration of medication can be safely delegated.

b. only oral, pre-measured aerosols for inhalation, topical medications, and emergency medications are administered by unlicensed trained personnel.

c. child specific training has been provided;

d. except in life-threatening situation, unlicensed trained employees are not allowed to administer injectable medications;

e. controlled substance are administered only after authorization, and without additional training, supervision and documentation;

4. developing and implementing procedures for:

- a. handling, storing, and disposing of medication;
- b. missing (stolen) medication;

5. training unlicensed personnel to administer medications. The six hours of general training includes at minimum:

a. legal role differentiation in medication delivery;

b. classification of medications and general purposes of each;

c. proper procedures for administration of medication;

- d. handling, storage, and disposal of medications;
 - e. appropriate and correct record keeping;
 - f. appropriate actions when unusual circumstances occur;
 - g. appropriate use of resources;
6. child specific training includes at minimum:
- a. desired and adverse effects of the medication;
 - b. recognition and response to an emergency;
 - c. review of the individual's medication;
 - d. observation of the juvenile;
 - e. unique individual requirements for administration of medication;
7. additional training may be required as follows:
- a. handling and administering controlled substances;
 - b. measuring growth, taking vital signs, and other specific procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1785 (August 2002).

§511. Medication Administration Course

A. Each person accepted to participate in the medication administration course shall meet at minimum, the following qualifications:

- 1. be employed by the detention facility;
- 2. be eighteen years of age or older;
- 3. be free of any known contagious disease, such as Hepatitis B.

B. The following individuals are qualified to serve as instructors in the unlicensed employees medication administration course:

- 1. registered nurse with a minimum of one year clinical experience, preferably in detention centers or school settings;
- 2. other professional personnel may assist the registered nurse in training:
 - a. a pharmacist;
 - b. a physician;
 - c. other registered nurses with a minimum of one year clinical experience;
 - d. competent health care professionals have the ability to teach detention center personnel;
- 3. competent health care professionals have the ability to monitor untoward side effects of medication;
- 4. instructors have the knowledge of proper storage of medication in detention centers;
- 5. instructors have the ability to develop child specific training appropriate to juvenile's individual health plan and the trainee's abilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1786 (August 2002).

§513. Unlicensed Training Curriculum for Medication Administration

A. The six hours of general training for the medication administration course shall consist at minimum of the following information:

- 1. legal role differentiation in medication delivery;
- 2. classification of medications and general purposes of each;
- 3. proper procedures for administration of medication;
- 4. handling, storage, and disposal of medications;
- 5. appropriate and correct record keeping;
- 6. appropriate actions when emergencies and other unusual circumstances occur;
- 7. appropriate use of resources.

B. The course and skills demonstration shall be repeated only once upon the recommendation of the instructor.

C. A test score of 85 percent competency shall be required on the written test.

D. A pass/fail grade based on demonstrated competency on the skills checklist shall apply to the practical portion of the course. A registered nurse shall administer the examination. The applicant shall demonstrate competency in the following areas:

- 1. hand washing;
 - 2. preparation and administration of:
 - a. oral medications including liquids;
 - b. topical medications;
 - 3. documentation.
- E. Child specific training includes at minimum:
- 1. reason for the medication;
 - 2. desired and adverse effects of the individual's medication;
 - 3. recognition and response to an emergency;
 - 4. observation of the individual;
 - 5. unique individual requirements for administration of medication;
 - 6. additional training such as the following may be required:
 - a. administration of pre-measured dose inhalants;
 - b. handling and administering controlled substances;
 - c. measuring growth, taking vital signs and other specific procedures as required;
 - d. using emergency medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1786 (August 2002).

§515. Unlicensed Trained Employee Administering medication Certificate

A. A certificate of completion of the six hour general training course shall be issued by the detention facility to those employees who successfully complete the course within the specified time lines. The certificate shall include at least the following information:

- 1. name of the unlicensed employee;
- 2. date of completion of the training and renewal date;
- 3. name of the juvenile detention center;
- 4. number of course hours;
- 5. signature of the instructor and the director of the detention center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and

Department of Health and Hospitals, Board of Nursing, LR 28:1786 (August 2002).

§517. Continuing Requirements

A. To ensure competency of unlicensed trained personnel the detention facility shall provide ongoing in-service training conducted by a qualified registered nurse or physician with the minimum qualifications defined above.

1. In-service training shall be provided to unlicensed trained employees relative to medication administration as needed, at least annually, through a review of the following areas:

- a. handling, storage, and disposal of medications and hazardous waste;
- b. documentation and record keeping;
- c. reporting and documenting medication errors;
- d. response to and documentation of emergencies;
- e. updates to drug changes and interactions;
- f. detention facility policy and guidelines for administration of medication;
- g. appropriate use of resources.

2. Evaluation includes at a minimum:

- a. annual competency testing using a skills check list and other evaluative criteria as indicated;
- b. annual observation of child specific medication pass for competency;
- c. review of child specific medication including precautions, desired and adverse effects.

3. An unlicensed employee trained to administer medication but has not worked directly with medication administration in a detention center for three months or more shall repeat the course curriculum and competency testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1786 (August 2002).

§519. Removal of an Unlicensed Trained Employee from Responsibilities to Administer Medication

A. The removal of an unlicensed trained employee to administer medication shall occur under any of the following circumstances:

- 1. falsifies record(s);
- 2. found guilty of abuse/neglect and/or misappropriation of a juvenile's medication or equipment;
- 3. fails to participate in annual in-service;
- 4. Performs unsatisfactorily with said performance documented and reported by the course instructor to the director. The course instructor has the option either to provide in-service training, to require that the medication administration course be repeated, or to relieve the employee of the responsibility to administer medication following due process procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1787 (August 2002).

§521. Limitation

A. An unlicensed trained employee's authority to administer medications is not delegable.

B. There are no grandfathering provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, and Board of Nursing, LR 28:1787 (August 2002).

§523. Exclusion

A. Nothing herein shall prohibit a registered nurse from administering medications in juvenile detention centers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and 15:911.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary and Department of Health and Hospitals, Board of Nursing, LR 28:1787 (August 2002).

Barbara Morvant, MN, RN
Executive Director
and
Richard L. Stalder
Secretary

0208#090

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Community Supports and Services**

Home and Community Based Services Waiver Program
Children's Choice Service Cap Increase
(LAC 50:XXI.301)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has amended the following Rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Rule is amended in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 1. Children's Choice

Chapter 3. Service

§301. Service Cap

A. Children's Choice services are capped at \$15,000 per individual per plan of care year.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:2793 (December 2000), amended by the Bureau of Community Supports and Services, LR 28:1787 (August 2002).

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

David W. Hood
Secretary

0208#083

RULE

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

**CommunityCARE ProgramCPhysician
ServicesCReimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has amended the following Rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Rule is amended in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rates for certain designated Physicians' Current Procedural Terminology (CPT) procedure codes related to primary medical services rendered to CommunityCare recipients by providers enrolled in the CommunityCARE Program.

Reimbursement for the following CPT-4 evaluation and management procedure codes is increased to 70 percent of the 2002 Medicare allowable fee schedule. The increase shall apply only to services provided by enrolled CommunityCARE providers to CommunityCARE recipients.

CPT-4 Code	Description
99201	Office, New Patient, Straightforward
99202	Office New Patient, Expanded, Straightforward
99203	Office New Patient, Detailed, Low Complexity
99204	Office New Patient, Comp, Moderate Complexity
99205	Office New Patient, Comp, High Complexity
99211	Office Established Patient, Minimal Problems
99214	Office Est Patient, Detailed, Mod Complexity
99215	Office Est Patient, Comp, High Complexity
99218	Initial Observation Care, Straightforward, Low Complexity
99219	Initial Observation Care, Comprehensive, Moderate Complexity
99220	Initial Observation Care, Comprehensive, High Complexity
99221	Initial Hospital Comprehensive, Straightforward, Low Complexity
99222	Initial Hospital Comprehensive, Moderate Complexity
99223	Initial Hospital Comprehensive, High Complexity
99232	Subsequent Hospital, Expanded, Moderate Complexity
99233	Subsequent Hospital, Detailed, High Complexity
99238	Hospital Discharge Management
99283	Emergency Room Visit, Expanded, Low Complexity
99284	Emergency Room Visit, Detailed, Moderate Complexity
99285	Emergency Room Visit, Comprehensive, High Complexity
99342	Home, New Patient, Expanded, Moderate Complexity
99343	Home, New Patient, Detailed, High Complexity
99344	Home, New Patient
99345	Home, New Patient
99347	Home Visit, Established Patient
99348	Home Visit, Established Patient
99349	Home Visit, Established Patient
99350	Home Visit, Established Patient
99432	Normal Newborn Care Other than Hospital

Reimbursement for the following CPT-4 preventative medicine procedure codes is increased to \$51. The increase shall apply only to services provided by enrolled CommunityCARE providers to CommunityCARE recipients.

CPT-4 Code	Description
99381	Initial Healthy Individual, New Patient, Infant to 1 year
99382	Initial Healthy Individual, New Patient, Early Childhood 1-4 years
99383	Initial Healthy Individual, New Patient, Late Childhood 5-11 years
99384	Initial Healthy Individual, New Patient, Adolescent 12-17 years
99385	Initial Healthy Individual, New Patient, 18-39 years
99391	Periodic Reevaluation and Management Healthy Individual, Infant
99392	Periodic Reevaluation and Management Healthy Individual, Early Childhood 1-4 years
99393	Periodic Reevaluation and Management Healthy Individual, Late Childhood 5-11 years
99394	Periodic Reevaluation and Management Healthy Individual, Adolescent 12-17 years
99395	Periodic Reevaluation and Management Healthy Individual, 18-39 years

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

David W. Hood
Secretary

0208#084

RULE

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

Disproportionate Share Hospital Payment Methodologies

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended 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 amended in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the disproportionate share payment methodologies for hospitals by incorporating the following revisions.

I. General Provisions

A. - C. ...

D. DSH payments to a hospital determined under any of the methodologies below shall not exceed the hospital's net uncompensated cost as defined in Section I.G. for the state fiscal year to which the payment is applicable.

E. Qualification is based on the hospital's latest filed cost report. Hospitals must file cost reports in accordance

with Medicare deadlines, including extensions. Hospitals that fail to timely file Medicare cost reports will be assumed to be ineligible for disproportionate share payments. Only hospitals that return timely disproportionate share qualification documentation will be considered for disproportionate share payments. For hospitals with distinct part psychiatric units, qualification is based on the entire hospital's utilization.

F. - I. ...

III. Reimbursement Methodologies

B. Small Rural Hospitals

1. A small rural hospital is a hospital (excluding a long-term care hospital, rehabilitation hospital or free-standing psychiatric hospital, but including distinct part psychiatric units) that meets the following criteria:

a. had no more than 60 hospital beds as of July 1, 1994 and is located in a parish with a population of less than 50,000 or in a municipality with a population of less than 20,000; or

b. meets the qualifications of a sole community hospital under 42 CFR §412.92(a); or

c. had no more than 60 hospital beds as of July 1, 1999 and is located in a parish with a population of less than 17,000 as measured by the 1990 census; or

d. had no more than 60 hospital beds as of July 1, 1997 and is a publicly owned and operated hospital that is located in either a parish with a population of less than 50,000 or a municipality with a population of less than 20,000; or

e. had no more than 60 hospital beds as of June 30, 2000 and is located in a municipality with a population, as measured by the 1990 census, of less than 20,000; or

f. had no more than 60 beds as of July 1, 1997 and is located in a parish with a population, as measured by the 1990 and 2000 census, of less than 50,000; or

g. was a hospital facility licensed by the department that had no more than 60 hospital beds as of July 1, 1994, which hospital facility has been in continuous operation since July 1, 1994, is currently operating under a license issued by the department, and is located in a parish with a population, as measured by the 1990 census, of less than 50,000.

2. ...

3. Payment is equal to each qualifying rural hospital's pro rata share of uncompensated cost for all hospitals meeting these criteria for the latest filed cost report multiplied by the amount set for each pool. If the cost reporting period is not a full period (12 months), actual uncompensated cost data from the previous cost reporting period may be used on a pro rata basis to equate a full year.

4. ...

C. Large Public Non-State Hospitals

1. A large public non state hospital is defined as any hospital owned by a parish, city or other local government agency or instrumentality; and not included in Section III.A. or B of the May 20, 1999 Rule. A qualifying hospital may be a long term hospital.

2. 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. Qualifying hospitals must maintain a log documenting the hospital's provision of uninsured care as directed by the department. Issuance of the

disproportionate share payment is contingent on the public non state hospital certifying public funds as representing expenditures eligible for FFP in compliance with Act 12 of the 2001 Regular Session of the Louisiana Legislature and appropriation of funding by the Louisiana Legislature.

3. Disproportionate share payments to each qualifying public non state hospital are equal to that hospital's pro rata share of uncompensated costs for all hospitals meeting these criteria for the latest filed cost report multiplied by the amount set for this pool. Payment shall not exceed each qualifying hospital's actual uncompensated costs as defined in Section I.G of the May 20,1999 Rule. 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.

D. All Other Hospitals (private rural and urban hospitals, free-standing psychiatric hospitals exclusive of state hospitals, rehabilitation hospitals and long-term care hospitals)

1. - 2.c. ...

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

David W. Hood
Secretary

0208#085

RULE

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

Nursing Facilities
Reimbursement Methodology
(LAC 50:VII.1301-1311)

Editor's Note: The following Rule is being repromulgated to correct final Rule text. The original Rule may be viewed on pages 1472-1476 of the June 20, 2002 edition of the *Louisiana Register*.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:2742 and R.S. 36:254 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 repeals the June 20, 1984 Rule and establishes a system of prospective payment for nursing facilities based on recipient care needs that incorporates acuity measurements as determined under the Resource Utilization Group III (RUG III) resident classification methodology. This system establishes a facility specific price for the Medicaid nursing facility residents served. It also provides for enhanced reimbursement for Medicaid residents who require skilled nursing services for an infectious disease and technology dependent care.

Facilities may furnish any or all of these levels of care to residents. Every nursing facility must meet the requirements for participation in the Medicaid Program.

Title 50

PUBLIC HEALTHC MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1301. Definitions

*Administrative and Operating Cost Component*Cthe portion of the Medicaid daily rate that is attributable to the general administration and operation of a nursing facility.

*Base Resident-Weighted Median Costs and Prices*Cthe resident-weighted median costs and prices calculated in accordance with §1305 of this rule during rebase years.

*Capital Cost Component*Cthe portion of the Medicaid daily rate that is:

1. attributable to depreciation;
2. capital related interest;
3. rent; and/or
4. lease and amortization expenses.

*Care Related Cost Component*Cthe portion of the Medicaid daily rate that is attributable to those costs indirectly related to providing clinical resident care services to Medicaid recipients.

*Case Mix*Ca measure of the intensity of care and services used by similar residents in a facility.

*Case-Mix Index*Ca numeric score within a specific range that identifies the relative resources used by similar residents and represents the average resource consumption across a population or sample.

*Cost Neutralization*Crefers to the process of removing cost variations associated with different levels of resident case mix. Neutralized cost is determined by dividing a facility's per diem direct care costs by the facility cost report period case-mix index.

*Direct Care Cost Component*Cthe portion of the Medicaid daily rate that is attributable to:

1. registered nurse (RN), licensed practical nurse (LPN) and nurse aide salaries and wages;
2. a proportionate allocation of allowable employee benefits; and
3. the direct allowable cost of acquiring RN, LPN and nurse aide staff from outside staffing companies.

*Facility Cost Report Period Case-Mix Index*Cthe average of quarterly facility-wide average case-mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the facility's cost reporting period that is used to determine the medians.

Example: A January 1, 2001-December 31, 2001 cost report period would use the facility-wide average case-mix indices for quarters beginning January 1, 2001, April 1, 2001, July 1, 2001 and October 1, 2001.

When this system is implemented, if four quarters of acuity data are not available that coincide with the cost report period, a two quarter average of acuity data that most closely matches the cost reporting period will be used.

*Facility-Wide Average Case-Mix Index*Cthe simple average, carried to four decimal places, of all resident case-mix indices based on the first day of each calendar quarter.

*Index Factor*Cwill be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data

Resources Incorporated (DRI-WEFA), or a comparable index if this index ceases to be published.

*Pass-Through Cost Component*Cincludes the cost of property taxes and property insurance. It also includes the provider fee as established by the Department of Health and Hospitals.

*Rate Year*Ca one-year period from July 1 through June 30 of the next calendar year during which a particular set of rates are in effect. It corresponds to a state fiscal year.

*Resident-Day-Weighted Median Cost*Ca numerical value determined by arraying the per diem costs and total actual resident days of each nursing facility from low to high and identifying the point in the array at which the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all nursing facilities. The per diem cost at this point is the resident-day-weighted median cost.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002).

§1303. Cost Reports

A. Nursing facility providers under Title XIX are required to file annual cost reports as follows.

1. Providers of nursing facility level of care are required to report all reasonable and allowable cost on a regular nursing facility cost report. Effective for periods ending on or after June 30, 2002, the regular nursing facility cost report will be the skilled nursing facility cost report adopted by the Medicare Program. This cost report is frequently referred to as the Health Care Financing Administration (HCFA) 2540.

2. In addition to filing the Medicare cost report, nursing facility providers must also file supplemental schedules designated by the Bureau.

3. Providers of skilled nursing-infectious disease (SN-ID) and skilled nursing-technology dependent care (SN-TDC) services must file additional supplemental schedules designated by the Bureau documenting the incremental cost of providing SN-ID and SN-TDC services to Medicaid recipients.

4. Separate cost reports must be submitted by central/home offices when costs of the central/home office are reported in the facility's cost report.

B. Cost reports must be prepared in accordance with the cost reporting instructions adopted by the Medicare Program using the definition of allowable and nonallowable cost contained in the Medicare/Medicaid provider reimbursement manual, with the following exceptions.

1. Cost reports must be submitted annually. The due date for filing annual cost reports is the last day of the fourth month following the facility's fiscal year end.

2. If the facility experiences unavoidable difficulties in preparing the cost report by the prescribed due date, a filing extension may be requested. A filing extension request must be submitted to the Bureau prior to the cost report due date. Facilities filing a reasonable extension request will be granted an additional 30 days to file their cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002).

§1305. Rate Determination

A. For dates of service on or after July 1, 2002, each nursing facility's rate for skilled nursing (SN), intermediate care I (IC-I) and intermediate care II (IC-II) services shall be the daily rates for these services in effect on June 30, 2002 as adjusted by legislative appropriations for State Fiscal Year 2003.

B. For dates of service on or after January 1, 2003, the Medicaid daily rates shall be based on a case-mix price-based reimbursement system. Rates shall be calculated from cost report and other statistical data. Effective January 1, 2003, the cost data used in rate setting will be from cost reporting periods ending July 1, 2000 through June 30, 2001. Effective July 1, 2004, and every second year thereafter, the base resident-day-weighted median costs and prices shall be rebased using the most recently audited or desk reviewed cost reports that are available as of the April 1 prior to the July 1 rate setting. For rate periods between rebasing, an index factor shall be applied to the base resident-day weighted medians and prices.

C. Each facility's Medicaid daily rate is calculated as:

1. the sum of the facility's direct care and care related price;
2. the statewide administrative and operating price;
3. each facility's capital rate component; and
4. each facility's pass-through rate component.

D. Determination of Rate Components

1. Facility Specific Direct Care and Care Related Component. This portion of a facility's rate shall be determined as follows.

a. The per diem direct care cost for each nursing facility is determined by dividing the facility's direct care cost during the base year cost reporting period by the facility's actual total resident days during the cost reporting period. These costs shall be trended forward from the midpoint of the facility's base year cost report period to the midpoint of the rate year using the index factor. The per diem neutralized direct care cost is calculated by dividing each facility's direct care per diem cost by the facility cost report period case-mix index.

b. The per diem care related cost for each nursing facility is determined by dividing the facility's care related cost during the base year cost reporting period by the facility's actual total resident days during the base year cost reporting period. These costs shall be trended forward from the midpoint of the facility's base year cost report period to the midpoint of the rate year using the index factor.

c. The per diem neutralized direct care cost and the per diem care related cost is summed for each nursing facility. Each facility's per diem result is arrayed from low to high and the resident-day-weighted median cost is determined. Also for each facility, the percentage that each of these components represents of the total is determined.

d. The statewide direct care and care related price is established at 110 percent of the direct care and care related resident-day-weighted median cost.

e. The statewide direct care and care related floor is established at 94 percent of the direct care and care related

resident-day-weighted median cost. The statewide direct care and care related floor shall be reduced to 90 percent of the direct care and care related resident-day-weighted median cost in the event that the nursing wage and staffing enhancement add-on is removed. This enhancement is made in accordance with §1305.D.5. of this Rule.

f. For each nursing facility, the statewide direct care and care related price shall be apportioned between the per diem direct care component and the per diem care related component using the facility-specific percentages determined in §1305.D.1.c. On a quarterly basis, each facility's specific direct care component of the statewide price shall be multiplied by each nursing facility's average case-mix index for the prior quarter. The direct care component of the statewide price will be adjusted quarterly to account for changes in the facility-wide average case-mix index. The Department may evaluate, in conjunction with the nursing facility industry, whether to use the Medicaid average case mix index to adjust the statewide price on a quarterly basis. However, using the Medicaid average case mix index can not be effective prior to July 1, 2005. Each facility's specific direct care and care related price is the sum of each facility's case mix adjusted direct care component of the statewide price plus each facility's specific care related component of the statewide price.

g. For each nursing facility, the statewide direct care and care related floor shall be apportioned between the per diem direct care component and the per diem care related component using the facility-specific percentages determined in §1305.D.1.c. On a quarterly basis, each facility's specific direct care component of the statewide floor shall be multiplied by each facility's average case-mix index for the prior quarter. The direct care component of the statewide floor will be adjusted quarterly to account for changes in the facility-wide average case-mix index. The Department may evaluate, in conjunction with the nursing facility industry, whether to use the Medicaid average case mix index to adjust the statewide floor on a quarterly basis. However, using the Medicaid average case mix index can not be effective prior to July 1, 2005. Each facility's specific direct care and care related floor is the sum of each facility's case mix adjusted direct care component of the statewide floor plus each facility's specific care related component of the statewide floor.

h. Effective with cost reporting periods beginning on or after January 1, 2003, a comparison will be made between each facility's direct care and care related cost and the direct care and care related floor. If the cost the facility incurred is less than the floor, the facility shall remit to the Bureau the difference between these two amounts times the number of Medicaid days paid during the portion of the cost reporting period after December 31, 2002.

2. The administrative and operating component of the rate shall be determined as follows.

a. The per diem administrative and operating cost for each nursing facility is determined by dividing the facility's administrative and operating cost during the base year cost reporting period by the facility's actual total resident days during the base year cost reporting period. These costs shall be trended forward from the midpoint of the facility's base year cost report period to the midpoint of the rate year using the index factor.

b. Each facility's per diem administrative and operating cost is arrayed from low to high and the resident-day-weighted median cost is determined.

c. The statewide administrative and operating price is established at 107.5 percent of the administrative and operating resident-day-weighted median cost.

3. The capital component of the rate for each facility shall be determined as follows.

a. The capital cost component rate shall be based on a fair rental value (FRV) reimbursement system. Under a FRV system, a facility is reimbursed on the basis of the estimated current value of its capital assets in lieu of direct reimbursement for depreciation, amortization, interest, and rent/lease expenses. The FRV system shall establish a nursing facility's bed value based on the age of the facility and its total square footage.

b. Effective January 1, 2003, the new value per square foot shall be \$97.47. This value per square foot shall be increased by \$9.75 for land plus an additional \$4,000 per licensed bed for equipment. This amount shall be trended forward annually to the midpoint of the rate year using the change in the per diem unit cost listed in the three-fourths column of the R.S. Means Building Construction Data Publication, adjusted by the weighted average total city cost index for New Orleans, Louisiana. The cost index for the midpoint of the rate year shall be estimated using a two-year moving average of the two most recent indices as provided in this Subparagraph. A nursing facility's fair rental value per diem is calculated as follows.

i. Each nursing facility's actual square footage per bed is multiplied by the January 1, 2003 new value per square foot, plus \$9.75 for land. The square footage used shall not be less than 300 square feet or more than 450 square feet per licensed bed. To this value add the product of total licensed beds times \$4,000 for equipment, sum this amount and trend it forward using the capital index. This trended value shall be depreciated, except for the portion related to land, at 1.25 percent per year according to the weighted age of the facility. Bed additions, replacements and renovations shall lower the weighted age of the facility. The maximum age of a nursing facility shall be 30 years. Therefore, nursing facilities shall not be depreciated to an amount less than 62.5 percent or [100 percent minus (1.25 percent*30)] of the new bed value. There shall be no recapture of depreciation.

ii. A nursing facility's annual fair rental value (FRV) is calculated by multiplying the facility's current value times a rental factor. The rental factor shall be the 20-year Treasury Bond Rate as published in the *Federal Reserve Bulletin* using the average for the calendar year preceding the rate year plus a risk factor of 2.5 percent with an imposed floor of 9.25 percent and a ceiling of 10.75 percent.

iii. The nursing facility's annual fair rental value shall be divided by the greater of the facility's annualized actual resident days during the cost reporting period or 70 percent of the annualized licensed capacity of the facility to determine the FRV per diem or capital component of the rate.

iv. The initial age of each nursing facility used in the FRV calculation shall be determined as of January 1, 2003, using each facility's year of construction. This age will

be reduced for replacements, renovations and/or additions that have occurred since the facility was built provided there is sufficient documentation to support the historical changes. The age of each facility will be further adjusted each July 1 to make the facility one year older, up to the maximum age of 30 years, and to reduce the age for those facilities that have completed and placed into service major renovation or bed additions. This age of a facility will be reduced to reflect the completion of major renovations and/or additions of new beds. If a facility adds new beds, these new beds will be averaged in with the age of the original beds and the weighted average age for all beds will be used as the facility's age. If a facility performed a major renovation/replacement project (defined as a project with capitalized cost equal to or greater than \$500 per bed), the cost of the renovation project completed during a 24-month period prior to a July 1 rate year will be used to determine the equivalent number of new beds that project represents. The equivalent number of new beds would then be used to determine the weighted average age of all beds for this facility. The equivalent number of new beds from a renovation project will be determined by dividing the cost of the renovation/replacement project by the accumulated depreciation per bed of the facility's existing beds immediately before the renovation project.

4. Pass-Through Component of the Rate. The pass-through component of the rate is calculated as follows.

a. The nursing facility's per diem property tax and property insurance cost is determined by dividing the facility's property tax and property insurance cost during the base year cost reporting period by the facility's actual total resident days. These costs shall be trended forward from the midpoint of the facility's base year cost report period to the midpoint of the rate year using the index factor. The pass-through rate is the sum of the facility's per diem property tax and property insurance cost trended forward plus the provider fee determined by the Department of Health and Hospitals.

5. Adjustment to the Rate. Adjustments to the Medicaid daily rate may be made when changes occur, that will eventually be recognized in updated cost report data (such as a change in the minimum wage, a change in FICA or a utility rate change). These adjustments would be effective until the next rebasing of cost report data or until such time as the cost reports fully reflect the change. Adjustments to rates may also be made when legislative appropriations would increase or decrease the rates calculated in accordance with this rule. The Secretary of the Department of Health and Hospitals makes the final determination as to the amount and when adjustments to the rates are warranted.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1474 (June 2002), repromulgated LR 28:1791 (August 2002).

§1307. Case-Mix Index Calculation

A. The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model shall be used as the resident classification system to determine all case-mix indices, using data from the minimum data set

(MDS) submitted by each facility. Standard Version 5.12b case-mix indices developed by the Centers for Medicare and Medicaid Services (CMS) shall be the basis for calculating average case-mix indices to be used to adjust the direct care cost component. Resident assessments that cannot be classified to a RUG-III group will be excluded from the average case-mix index calculation.

B. Each resident in the facility, with a completed and submitted assessment, shall be assigned a RUG-III 34 group on the first day of each calendar quarter. The RUG-III group is calculated based on the resident's most current assessment, available on the first day of each calendar quarter, and shall be translated to the appropriate case-mix index. From the individual resident case-mix indices, two average case-mix indices for each Medicaid nursing facility shall be determined four times per year based on the first day of each calendar quarter.

C. The facility-wide average case-mix index is the simple average, carried to four decimal places, of all resident case-mix indices. The Medicaid average case-mix index is the simple average, carried to four decimal places, of all indices for residents where Medicaid is known to be the per diem payer source on the first day of the calendar quarter.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1475 (June 2002), repromulgated LR 28:1792 (August 2002).

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

A. Nonstate government-owned or operated nursing facilities participating in an inter-governmental transfer program and state-owned or operated nursing facilities will be paid a prospective reimbursement rate. The aggregate prospective payment rates for these facilities will be calculated on a quarterly basis using the state's best estimate of what facilities would be paid under Medicare's prospective payment system for skilled nursing facilities. The acuity measurements used in the quarterly rate calculations will be the acuity of each facility's Medicaid residents, as determined under Medicare's 44 RUG classification methodology. Adjustments to these gross Medicare prospective payment rates will be made to account for differences in coverage between the Medicare and Medicaid programs.

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

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

§1311. New Facilities and Changes of Ownership of Existing Facilities

A. New facilities are those entities whose beds have not previously been licensed and certified to participate in the Medicaid program. New facilities will be reimbursed in accordance with this rule using the statewide-wide average case mix index to adjust the state-wide direct care and care related price and the state-wide direct care and care related floor. After the first full calendar quarter of operation, the state-wide direct care and care related price and the state-wide direct care and care related floor shall be adjusted by

the facility's case mix index calculated in accordance with §1305.D.1.f-g and §1307 of this Rule. The capital rate paid to a new facility will be based upon the age and square footage of the new facility. An interim capital rate shall be paid to a new facility at the state-wide average capital rate for all facilities until the actual capital rate for the new facility is determined.

B. A change of ownership exists if the beds of the new owner have previously been licensed and certified to participate in the Medicaid program under the previous owner's provider agreement. Rates paid to facilities that have undergone a change in ownership will be based upon the acuity and capital data of the prior owner. The new owner's acuity and capital data will be used to determine the facility's rate following the procedures specified in this rule.

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

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

All rate adjustments specified in this rule are contingent upon appropriation by the Louisiana Legislature. Implementation of the provisions of this rule shall be contingent upon the approval of the State Plan Amendment by U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

David W. Hood
Secretary

0208#108

RULE

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

**Professional Services Program
Physician Services
Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following Rule in 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 provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases reimbursement paid to physicians for certain designated Physicians' Current Procedural Terminology (CPT) procedure codes related to specialty services.

Reimbursement for the following designated CPT-4 codes is increased to 70 percent of the 2002 Medicare allowable fee schedule.

CPT-4 Code	Description
33960	External Circulation Assist
43760	Change Gastrostomy Tube; Simple
57452	Examination of the Vagina
62270	Spinal Fluid Tap, Diagnostic

64640	Injection Treatment of Nerve
85102	Bone Marrow Biopsy
90784	Therapeutic Injection IV
93501	Right Heart Catheterization Only
93510	Left Heart Catheterization, Percutaneous
95810	Polysomnography, 4 or more
96410	Chemotherapy Administration Intravenous

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

David W. Hood
Secretary

0208#086

RULE

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

Public Hospitals CReimbursement
Methodology CUpper Payment Limit

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, utilizes the revised upper payment limit for non-state government-owned or operated hospitals as set forth in the 42 CFR §447.272(c) and §447.321(c). The hospital payment differential for any year shall be the difference between the upper limit of aggregate payments to non-state government-owned or operated hospitals, as defined in the 42 CFR §447.272(c) and §447.321(c), and the aggregate Medicaid per diem reimbursement paid to these hospitals for the year.

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

David W. Hood
Secretary

0208#087

RULE

**Board of Examiners for the New Orleans
and Baton Rouge Steamship Pilots**

Drug and Alcohol Policy (LAC 46:LXXVI.Chapter 2)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots has promulgated rules regarding its Drug and Alcohol Policy.

In accordance with state law and in order to further enhance the safety and well being of the citizens of

Louisiana, as well as to prevent any possible imminent peril to public health, safety, and welfare, and to achieve and maintain reliable, safe and efficient pilotage services, the Board of Examiners has adopted the following actions pertaining to the rules and regulations of the Board.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXVI. Pilots

Chapter 2. Drug and Alcohol Policy

§201. Purpose/Statement of Policy

A. Due to the safety sensitive nature of the duties performed by NOBRA pilots, the Board of Examiners/Board of Review will maintain and enforce a strict policy of zero tolerance for the use of prohibited drugs and the misuse of alcohol. Prohibited drugs will not be used, possessed, nor distributed by any NOBRA pilot, at any time, whether on duty or off duty.

B. To this end, all state commissioned NOBRA Pilots shall be subject to drug and alcohol testing as per U.S. DOT rules (49 CFR Part 40) and U.S. Coast Guard regulations (46 CFR Parts 4, 5 and 16). This testing is federally mandated and all rules for specimen collection, handling, testing, confirmation, reporting and medical review shall be adhered to at all times. Additionally, in order to maintain its policy of zero tolerance, the Board of Examiners/Board of Review hereby establishes a more stringent drug screening program, over and above the federal rules. All NOBRA pilots, apprentices and applicants shall be subject to this more stringent drug screening program, in addition to any testing required under the federal rules. As outlined below, this more stringent drug screening program shall consist of screening in the following situations: pre-employment, random, post accident, reasonable suspicion, return to duty and follow-up.

C. Any violation of this drug and alcohol policy shall be reported to the U.S. Coast Guard and shall subject the pilot to disciplinary action by the Board of Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1794 (August 2002).

§203. Definitions

A. As used in this chapter:

Administrative Procedure Act (APA) the Louisiana Administrative Procedure Act under R.S. 49:950, et seq.

Alcoholic Beverage any fluid, or solid capable of being converted into fluid, suitable for human consumption, which contains ethanol; any substance that may otherwise impair or affect the ability of a pilot to function in any way whatsoever.

Applicant any person who completes the written application supplied by the Board of Examiners to become a NOBRA Pilot.

Apprentice any person duly elected by the members of the NOBRA Association, but not yet commissioned, to serve in an orientation program, as directed by the Board of Examiners.

Board of Examiners the Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, as established by R.S. 34:1041, et seq.

Board of Review The Board of Review for the New Orleans and Baton Rouge Steamship Pilots, as established by R.S. 34:1049, et seq.

NOBRA Pilot or Pilot A commissioned Mississippi River pilot for the territory established in R.S. 34:1041, et seq.

Prescription Medication Any medication distributed by or with the authorization of a licensed physician, as defined in R.S. 40:961(33).

Prohibited Drug(s) Any and all controlled dangerous substances as defined in R.S. 40:961(7); any substances which are illegal under Federal, State, or local laws; this term shall include, but is not limited to, marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and/or stimulants not prescribed for current personal treatment by a licensed physician, as defined by R.S. 40:961(33).

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots LR 28:1795 (August 2002).

§205. Circumstances for Drug Testing

A. Regular and random, unannounced urine and hair drug screening shall be done at a frequency designed to assure the Board of Examiners/Board of Review, the State, shipping clients and the general public that the NOBRA pilots are dedicated and aggressive in their enforcement of their zero tolerance policy towards prohibited drugs.

B. Additionally, the Board of Examiners/Board of Review reserves the right to require a pilot to submit to a drug screen whenever the Board of Examiners has reasonable suspicion to suspect a pilot is under the influence of a prohibited drug. Such a drug screen may be done by means of urine, hair, blood or any other type of screen chosen by the Board of Examiners/ Board of Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1794 (August 2002).

§207. Urine Testing

A. Any pilot involved in an accident or incident while performing their duties as a pilot shall be subject to a urine drug screen test, as required by these rules, U.S. DOT rules and U.S. Coast Guard regulations. This urine drug screen shall consist of an expanded screening panel designed to detect various illegal drugs, and commonly abused prescription drugs, which are not detected by standard U.S. DOT screens. The expanded panel shall be determined from time to time at the discretion of the Board of Examiners/ Board of Review. The results of all drug screens taken pursuant to this paragraph shall become part of the pilot's permanent personnel file.

B. In addition to these required drug screens, all NOBRA pilots shall be subject to random urine screening by means of the expanded screening panel. This random urine screen will be at a rate of a minimum of six pilots per month. The Board of Examiners/Board of Review shall design a protocol for the random selection of the pilots to be tested. Failure to timely appear for testing or refusing to provide proper or adequate samples will subject the pilot to disciplinary action by the Board of Examiners/Board of Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1795 (August 2002).

§209. Hair Testing

A. Every NOBRA pilot shall submit to a hair drug screen on a bi-annual basis. The timing of the bi-annual hair drug screens for each pilot shall be randomly selected as per a protocol designed by the Board of Examiners/Board of Review. Each pilot shall appear for his/her hair drug screen when notified to do so by the Board of Examiners/Board of Review. This hair screen is designed to detect various illegal drugs, and commonly abused prescription drugs, which may have been used by a pilot. Failure to timely appear for testing or refusing to provide proper or adequate samples will subject the pilot to disciplinary action by the Board of Examiners/Board of Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1795 (August 2002).

§211. Split Sample/Safety Net Testing

A. Whenever there is a positive test result, of any type, returned as to any pilot, that pilot shall be entitled to the following split sample/referee sample testing or safety net testing as is possible through the board's designated testing facilities.

B. The board shall designate, from time to time, an authorized testing facility or laboratory that is responsive and responsible to the needs of the board. Such designation may be unilaterally and exclusively changed by the board at any time for any reason. The board, after such change, shall reasonably notify all applicants, apprentices and pilots.

C. The designated testing facility or laboratory shall ensure and be responsible that all specimen collection and related procedures are properly followed and maintained.

D. The designated testing facility or laboratory shall be responsible for the safeguarding of all specimen collection facilities, equipment and samples collected.

E. The taking of samples shall be taken, witnessed and handled in accordance with the recognized community standard.

F. The designated testing facility or laboratory shall assist in ensuring that the sample will be correctly and properly transferred for testing purposes.

G. The following procedure is hereby established for the testing of a split or referee urine, blood or hair sample.

1. Upon the timely request of a pilot, a urine or blood specimen may be split or divided into approximately equal parts; one being processed for initial laboratory testing for detection of the presence of prohibited drugs or substances therein; the remaining or second part shall be identified as the split or referee sample to be processed for future testing under the following procedures. Failure to timely request the taking of a split or referee sample shall be deemed, classified and designated as a waiver of any and all rights to have a split or referee sample.

2. As to hair, upon notice that a test result has been returned or reported as positive, the pilot shall have 24 hours to notify the testing facility that the pilot requests that the referee sample be properly taken and tested. Failure of the

pilot to timely notify the testing facility that the referee sample is to be tested shall be deemed classified and designated as a waiver and forfeiture of having the referee sample tested.

3. The split or referee sample may, at the election of the pilot, be tested by an alternate testing facility or laboratory, as pre-approved by the board.

H. All test reports shall be submitted to this board in writing.

I. Reports to this board shall present documentary or demonstrative evidence acceptable in the scientific community and be admissible in court in support of a professional opinion as to the positive findings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1795 (August 2002).

§213. Effect of Positive Drug Screen/Disciplinary Action

A. Any NOBRA pilot with a prohibited drug detected in his system will have an opportunity to explain any medical condition which may have had an effect on the test result. However, passive inhalation or atmospheric contamination are not acceptable explanations for confirmed positive drug tests.

B. Any positive drug screen shall be reported to the U.S. Coast Guard and may place the pilot's license in jeopardy. Any NOBRA pilot testing positive for a prohibited drug, or residual thereof, shall be removed from duty, pursuant to §111.L of the commission's rules, pending a hearing pursuant to R.S. 34:1042. Any NOBRA pilot who presents a positive drug screen shall be subject to disciplinary action by the Board of Examiners/Board of Review, including the recommendation of revocation or suspension of their commission by the Governor, reprimand or treatment/rehabilitation. The proper disciplinary action shall be determined by the Board of Examiners/Board of Review on a case by case basis. Any pilot who is required to undergo evaluation and/or treatment for drug use shall do so at his/her own personal expense. In addition, the evaluation and treatment facility must be pre-approved by the Board of Examiners/Board of Review.

C. Refusing a drug screen, or any attempts at alteration or substitution of samples is considered a violation of the federal rules, as well as this policy. Any NOBRA pilot who refuses to submit to a drug screen, fails to cooperate fully with the testing procedures, or in any way tries to alter the test results, shall be removed from duty as a pilot pursuant to §111.L of the commission's rules, pending a hearing pursuant to R.S. 34:1042. Furthermore, avoiding the directions of the Board of Examiners/Board of Review after an accident/incident which mandatorily requires a drug/alcohol screen will be considered a refusal to test and will subject the offending pilot to disciplinary action by the Board of Examiners/Board of Review.

D. In addition, if the master of a vessel refuses a pilot's services due to the alleged impairment of the pilot, the pilot shall immediately contact a member of the Board of Examiners/Board of Review to receive instructions regarding testing. The pilot shall then immediately proceed to a testing facility selected and pre-designated by the Board

of Examiners/Board of Review. Failure to proceed to the testing facility in the time allowed by the Board of Examiners/Board of Review, which shall be determined at the time, but shall not exceed three hours, shall be considered a refusal to test and will subject the offending pilot to disciplinary action by the Board of Examiners/Board of Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1796 (August 2002).

§215. Prescription Drug Use

A. Every NOBRA pilot has a duty to ascertain whether a prescription medication, legally prescribed, will impair his/her ability to perform his/her piloting duties. If, after consultation with his/her treating physician, a pilot reasonably believes or has been informed or advised that a prescription medication may cause impairment, the pilot shall inform the Board of Examiners/Board of Review and remove himself/herself from duty until such time that his treating physician, in consultation with a physician specializing in occupational medicine, certifies that he/she may return to duty or changes the medication to one which will not impair the pilot.

B. If a drug screen indicates that a pilot has in his/her system a prescription drug which may impair his/her ability to perform their piloting duties, and the pilot has not voluntarily taken leave, the pilot shall be removed from duty, without pay, pursuant to §111.L of the Commission's rules, until such time that the Board of Examiners/Board of Review, in consultation with a physician specializing in occupational medicine, or any other medical professional, can determine that the pilot is fit to return to duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1796 (August 2002).

§217. Alcohol Use

A. No pilot shall consume any alcohol, of any nature whatsoever, within six hours before, or during, the performance of their piloting duties. Alcohol testing shall be conducted following any accident involving a pilot in the performance of their duties. The Board of Examiners and/or the Board of Directors may also require a pilot to submit to alcohol testing upon reasonable suspicion that a pilot is performing his duties while under the influence of alcohol.

B. Alcohol testing may occur while a pilot is on duty or for six hours prior to coming on duty. Duty, in this case, shall be defined as the time the pilot is ordered on board the vessel. Testing positive for alcohol while on duty is directly reportable to the Board of Examiners/Board of Review and is not subject to review by a Medical Review Officer, as there is never a medical reason to use any form of alcohol internally while on duty. Any pilot who requires medicines, such as cough and cold medications, which may have a small amount of alcohol, should ask their physician or pharmacist to recommend a non-alcoholic medication. While the U.S. Coast Guard prohibits alcohol use above the level of 0.04 percent BAC, the Board of Examiners reserves the right to take disciplinary action on lower alcohol levels,

depending on the facts and circumstances of each particular case.

C. Any positive alcohol test shall be reported to the U.S. Coast Guard and may place the pilot's federal license in jeopardy. Any NOBRA pilot testing positive for alcohol shall be removed from duty as a pilot, pursuant to §111.L of the commission's rules, pending a hearing pursuant to R.S. 34:1042. Any NOBRA pilot with a positive alcohol test shall be subject to disciplinary action by the Board of Examiners, including recommendation of revocation or suspension of their commission by the Governor, reprimand or treatment/rehabilitation. The proper disciplinary action shall be determined by the Board of Examiners on a case by case basis. Any pilot who is required to undergo evaluation and/or treatment for alcohol abuse shall do so at his own personal expense. In addition, the evaluation and treatment facility must be approved by the Board of Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1796 (August 2002).

§219. Confidentiality

A. The results of all positive drug screens and alcohol tests shall be confidential and shall not be disclosed to any entity or person other than:

1. the Governor of Louisiana and the Board of Directors of the New Orleans/Baton Rouge Steamship Pilots Association; and
2. the U.S. Coast Guard; and
3. in the event that the Board of Examiners/Board of Review determines that a hearing is required pursuant to R.S. 34:1042, there shall be no requirement of confidentiality in conducting the hearing.

B. In addition, the records of any pilot maintained by the Board of Directors of NOBRA shall not be confidential and shall be available to the Board of Examiners/Board of Review in connection with any investigation regarding the use of prohibited drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1797 (August 2002).

§221. Severability

A. It is understood that any provision and/or requirement herein that is deemed invalid and unenforceable, for any reason whatsoever, may be severed from the whole and that the remaining provisions and/or requirements shall be deemed valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1797 (August 2002).

§223. Applicable Procedures

A. Any investigation, action or disciplinary proceeding undertaken in conjunction with this policy shall be conducted in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. At such time as the Board of Examiners promulgates its own investigatory and procedural rules, pursuant to R.S. 49:953, those rules shall

supersede those of the Louisiana Administrative Procedure Act and become applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041

HISTORICAL NOTE: Promulgated by the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 28:1797 (August 2002).

Robert A. Barnett
Executive Director

0208#048

RULE

**Department of Public Safety and Corrections
Corrections Services**

**Disciplinary Rules for Adult Offenders
CPenalty ScheduleC
Disciplinary Report (LAC 22:I.359)**

Editor's Note: The following Rule is being repromulgated to correct citations. The full text of this Rule can be viewed on page 94 of the January 20, 2002 edition of the *Louisiana Register*.

In accordance with the Administrative Procedure Act, R.S. 49:953(A), the Department of Public Safety and Corrections, Corrections Services, has amended regulations dealing with the Disciplinary Rules for Adult Offenders.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter B. Disciplinary Rules for Adult Offenders

**§359. Penalty ScheduleC
Disciplinary Report (Heard
by Disciplinary Board)**

A. - A.2.l. ...

m. loss of incentive wages for up to one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, Wolff v. McDonnell, 94 S.Ct. 2963 (1974), Ralph v. Dees, C.A. 71-94, USDC (Md. La.) and Sandin v. Conner, 115 S.Ct. 2293 (1995).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Corrections Services, LR 7:6 (January 1981), repromulgated by Corrections Services, LR 17:605 (June 1991), LR 17:670 (July 1991), amended LR 19:653 (May 1993), LR 25:1876 (October 1999), LR 27:418 (March 2001), LR 28:94 (January 2002), LR 28:1797 (August 2002).

Richard L. Stalder
Secretary

0208#089

RULE

**Department of Public Safety and Corrections
Office of State Police**

Towing, Recovery, and Storage (LAC 55:I.Chapter 19)

The Department of Public Safety and Corrections, Office of State Police, Towing, Recovery and Storage Section, in accordance with R.S. 49:950 et seq. and R.S. 32:1711 through R.S. 32:1735, has amended various rules pertaining to the towing and storage industry. In addition to many technical changes, the amendments will incorporate statutory

changes increasing license plate fees and creating a new fee for storage inspection licenses.

**Title 55
PUBLIC SAFETY
Part I. State Police**

Chapter 19. Towing, Recovery, and Storage

§1901. Declaration of Authority, Background, Policy and Purpose

A. The following rules are promulgated pursuant to the authority provided in R.S. 32:1711 through R.S. 32:1735.

B. ...

C. It is the purpose of these regulations to require persons engaged in the business of towing and/or storing vehicles to obtain a license, establish qualifications for applicants for a license, to require notice of towed vehicles to law enforcement agencies, owners, and the Department of Public Safety and Corrections, to require the maintenance of records, set civil and criminal penalties for the violation of these regulations and to establish the process for appeal of such penalties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1798 (August 2002).

§1907. Definitions

* * *

Gate Fee Cthe charge assessed by a towing or storage business for access to a vehicle or for removing a vehicle or its contents before or after business hours, as found in §1939 of this Chapter.

* * *

Hazardous Materials Cany substance deemed a *hazardous material* and included on the most recent list developed as a result of the Comprehensive Environmental Response Compensation Liability Act or certain substances included on the most recent United States Department of Transportation Hazardous Material List. *Hazardous material* also means any substance designated by the deputy secretary or any material deemed a physical or health hazard in the Occupational Safety and Health Act (OSHA) as found in (*Code of Federal Regulations*) 29 CFR Part 1910.1200.

* * *

Owner Cthe last registered owner of a vehicle as shown on the records of the Office of Motor Vehicles and/or the holder of any lien on a vehicle as shown on the records of the Office of Motor Vehicles and/or any other person with a documented ownership interest in a vehicle.

* * *

Storage Facility Cany business or company that receives compensation, directly or indirectly, for the storing of vehicles, to include but not limited to: tow companies, body or repair shops, new and used automotive dealers, garages, service stations, repossession companies, businesses storing vehicles for insurance companies, etc.

* * *

Tow Truck C a motor vehicle equipped with a boom or booms, winches, slings, tilt beds, wheel lifts, under-reach equipment, tow dollies, and/or similar equipment including, but not limited to, trucks attached to trailers and car carriers designed for the transportation and/or recovery of vehicles

and other objects which cannot operate under their own power or for some reason must be transported by means of towing.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 19:502 (April 1993), LR 26:347 (February 2000), LR 28:1798 (August 2002).

§1909. Tow Truck License Plates

A. Tow trucks with a GVWR of less than 10,001 pounds will not be licensed.

B. Applications for tow truck license plates shall be made to the Department of Public Safety and Corrections, in writing upon forms prescribed and furnished by the department, before a tow truck can be operated for the purpose of towing vehicles. The application must contain all information required therein, and the applicant shall tender with the application a fee of \$150, in addition to other fees required under Title 47 of the Louisiana Revised Statutes, by check or money order to the Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, P.O. Box 64886, Baton Rouge, Louisiana 70896. Upon the return of any dishonored check the application shall be canceled forthwith. The department shall be notified in writing within 10 days of any change of information supplied on the original application.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 26:347 (February 2000), LR 28:1798 (August 2002).

§1925. Tow Truck Load Limitations

A. No tow truck shall tow another vehicle, unless the tow truck has a manufacturer's rating of 10,001 GVWR or higher, and the tow truck has been issued the appropriate towing license plate required by these rules and regulations. Tow trucks with a manufacturer's rating of less than 10,001 GVWR shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1798 (August 2002).

§1933. Prohibition of Unauthorized Operation

A. No person regulated under these rules shall stop at the scene of a motor vehicle crash or at or near an unattended disabled vehicle for the purpose of soliciting an engagement for towing service, either directly or indirectly, nor furnish any towing service, unless that person has been summoned to such scene by the owner or operator of the disabled vehicle or has been requested to perform such services by a law enforcement officer or agency pursuant to that agency's authority.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of

State Police, LR 15:1097 (December 1989), amended LR 26:347 (February 2000), LR 28:1798 (August 2002).

§1937. Insurance Requirements

A. ...

B. The storage operator shall maintain the following policies of insurance according to the minimum limits set forth in this Section. Each policy shall be in the name of the storage operator. The policy shall be effective throughout the period that the storage operator is qualified under these Rules. It is not the intent of this schedule to limit the operator to the types and amounts of insurance required herein. All storage companies shall comply with the provisions of this Section and if utilizing tow trucks, they shall comply with towing operator requirements:

1. worker's compensation and employer's liability insurance as required by statute;

2.a. certificates of insurance issued by an insurer licensed to do business in the state of Louisiana or a federally authorized insurance group licensed in their state of domicile with coverage in the amounts herein listed in this Section shall be submitted with the application. The insurance covered by this certificate shall not be canceled or materially altered except after 20 days prior written notice of such cancellation or alteration has been sent to the Department of Public Safety and Corrections, Office of State Police, by certified letter, return receipt requested:

i. garage keepers legal liability insurance in an amount not less than \$50,000;

ii. garage liability insurance in an amount of not less than \$50,000;

b. all certificates shall contain the initial and the expiration dates of carriage and coverage and the serial number of the vehicle that the towing license is being applied for.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1798 (August 2002).

§1939. Towing/Storage Facility Business Practices

A. - A.2. ...

3.a. Any invoice, bill, statement, authorization or other form utilized by a towing company, which is to be signed by the owner (or agent) of a vehicle to be towed, must be of a format approved by the department. This form must clearly denote what service is being authorized by signature. That is, there will be a separate signature line, which merely authorizes the towing of the vehicle and another signature line to authorize any repairs to the vehicle.

b. No repairs shall be performed upon any vehicle unless there is an explicit signed written agreement authorizing such repairs.

c. Towing/storage companies must submit a sample copy of their invoices to the Towing and Recovery Unit to be kept on file there. Any invoice, which does not meet the criteria outlined above will be in violation of these regulations and any charges for services on an unauthorized invoice will be forfeited.

B. ...

C. The address that the towing/storage service lists on its application shall be the business location where its business records are kept. The application and certificates of

insurance shall also list the locations of all storage areas for vehicle redemption.

D. ...

E. Towing/storage services must make business records available for inspection upon request by law enforcement officers, and shall provide copies upon request, which information shall be confidential and shall not be released or deemed a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 19:502 (April 1993), amended LR 26:347 (February 2000), LR 28:1799 (August 2002).

§1941. Storage Procedures

A. - C. ...

D. Any person who shows proof of ownership or written authorization from the stored vehicle's registered or legal owner may inspect, photograph, view the vehicle and remove non-affixed personal items, such as: tools, purses, wallets, clothing, child car seats, insurance papers, registration, title, drivers license, license plate and any other loose items that may be removed without vehicle disassembly, without charge during normal business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 26:348 (February 2000), LR 28:1799 (August 2002).

§1943. Storage Facility (Except those Described in §1951 of these Rules)

A. - E. ...

F. Except when a vehicle is stored by or upon request from a law enforcement agency or under contract as described in R.S. 32:1722:

1. the storage operator shall provide to the law enforcement authorities or their designees:

a. the location from which the vehicle was towed;

b. a description of the vehicle;

c. the license plate number and vehicle identification number of the vehicle;

d. the name and address of the location to which the vehicle was towed; and

e. an official report of stored vehicle card must be filed with the Department of Public Safety, Office of Motor Vehicles, Reconstructed/Stored Vehicle Unit or its agent.

2. each law enforcement authority or designee receiving information pursuant to the provisions of this Section shall accept, record, and file the information in order that it can be obtainable for responding to requests from the public.

G. - I. ...

J. Towing and storage operators will maintain all records dealing with the towing and storage of vehicles for a minimum of three years. The Office of State Police shall have the right to enter and inspect all towing/storage facilities during normal working hours and these documents will be made available upon request.

K. All towing services shall maintain impoundment records which shall include the following information:

1. the date and time the call for service was received and from whom it was received, when applicable;
2. a description of the vehicle including make, model, color, vehicle identification number, and license plate number;
3. the date, time, and place at which the operator began the towing operation;
4. the date at which the impounded vehicle was released to the owner;
5. the name of the driver of the tow truck;
6. letters of notification as required by these rules;
7. proof of administrative costs;
8. records of release of vehicle(s), to include the full, legal name and drivers license number of the person to whom the vehicle was released.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1799 (August 2002).

§1945. Storage Rates

A. ...

B. No storage facility shall charge an insurer, or any other person, a storage fee for a vehicle which is greater than the amount set by statute or by the Public Service Commission (PSC).

C. Any storage facility which charges and receives a fee in excess of the legal amount, shall return all storage fees received for storage of the vehicle for which an excess fee was charged and shall be subject to a civil penalty. Each daily overcharge shall constitute a separate violation for which a civil penalty may be assessed.

D. The daily storage fee shall be the only fee charged by a storage facility during storage of a vehicle. There shall be no additional charges for locating or retrieving the vehicle in the storage facility, viewing of the vehicle, photographing the vehicle, removal of items from the vehicle, or for any other similar activity which does not require towing the vehicle during regular business hours. A towing or storage company that assesses after hours gate fees shall not assess such fees in an amount in excess of \$45. Owners of a vehicle charged fees in violation of this section, shall have cause of action to recover the amount of the excess fees, plus attorney fees and all court costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 19:502 (April 1993), amended LR 26:348 (February 2000), LR 28:1800 (August 2002).

§1947. Notification to Department of Public Safety and Corrections

A. Whenever any vehicle (except as otherwise exempted in R.S.32:1722) subject to registration in this state has been stored, parked, or left in a garage, or any type of public storage or parking lot, other than the type of parking facility denoted in §1951 of these rules, where fees are charged for such storage or parking, the owner of the storage or parking facility shall, within a period of three business days of the date the vehicle has been stored or parked, report in writing to the Department of Public Safety and Corrections, Office

of Motor Vehicles, Reconstructed/Stored Vehicle Unit, P.O. Box 64886, Baton Rouge, LA 70896, or the department's authorized agent, the make, model, vehicle identification number, license plate number, state of issuance and expiration date, if known, the date of storage of such vehicle, notice indicating the storage company has complied (paid fees) with the annual State Police Storage Inspection License, and the storage inspection license number on a form furnished and approved by the department or its authorized agent. The department, or the department's authorized agent, shall provide, the owner of the storage or parking facility with the most current owner information available on the stored vehicle and if the vehicle is reported stolen (i.e., "reported stolen") in writing. If the department reports that a stored vehicle is or has been registered in another state, that report shall indicate that the department has used due diligence in obtaining information from nationwide databases available to the department.

B. No tow truck owner or operator shall be liable, civilly or criminally, when the department or its authorized agent fails to provide the information requested in Subsection A of this Section in a timely manner, if the tow truck owner or operator sends notification to the stored vehicle's owner in accordance with the provisions of R.S. 32:1720.

C. ...

D. The department or its authorized agent shall verify companies have complied with the storage inspection license requirements, by requiring the company's valid storage inspection license number be listed on the Official Report of Stored Vehicle (ORSV). In the event a company has not complied with the storage inspection licensing requirements, the department or its authorized agent shall:

1. provide the owner information requested on the ORSV to the storage or towing company; and

2. notify the LSP Towing and Recovery Unit, in writing and within three business days of receiving an ORSV card, with the name of the filing company and a copy of the ORSV.

E. Companies storing vehicles shall include a copy of their valid storage inspection license when filing with the Department for permits to sell or permits to dismantle vehicles stored under this Chapter.

F. The department (or its authorized agents) shall not issue permits to sell, or permits to dismantle, to companies failing to comply with the storage inspection licensing requirements.

G. Storage companies shall apply for and be issued Storage Inspection Licenses prior to charging or collecting storage or administrative fees. Any company found in violation shall be subject to civil and/or criminal penalties and shall forfeit all storage and administrative fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 19:502 (April 1993), LR 28:1800 (August 2002).

§1949. Owner Notification of a Stored Vehicle

A. Within 10 business days from the date the department, or its authorized agent, sends the owner's information of the stored vehicle to the owner of the storage or parking facility, the owner of the storage or parking facility shall send notice

(except as otherwise exempted in R.S. 32:1722), by certified mail, return receipt requested, to the last registered owner of the vehicle at the owners last known address and the holder of any lien, if any, on the vehicle as shown in the department's motor vehicle records, and any other documented ownership interest in the vehicle known by the storage or parking facility.

B. The notice required in Subsection A of this Section shall include the following information:

1. the name, location, and physical and mailing address of the storage or parking facility;
2. a description of the vehicle including the year, make, model, and vehicle identification number;
3. the vehicle license plate number, state of issuance, and expiration date, if known;
4. the name of the person or agency which had the vehicle towed or placed in storage;
5. the date the vehicle was placed in storage and any applicable adjusted storage dates;
6. the condition of the vehicle;
7. all outstanding charges against the stored vehicle;
8. notice of the owner's right to an administrative hearing as required in R.S. 32:1727. The notice shall contain the deadline for requesting an administrative hearing, it shall also contain information regarding the date by which the request for an administrative hearing must be mailed by certified letter, return receipt requested and the name and address of the public agency that had the vehicle towed, which is also responsible for conducting the hearing.

C. Administrative Fees

1. Towing/storage services may charge the registered owner/lien holder those administrative costs incurred by filing of the official report of stored vehicle card with the Office of Motor Vehicles along with any postal charges related to the mailing of the official report of stored vehicle card or certified letters to the registered owner/lien holder.

2. All costs must be documented with receipts which shall be made available to the registered owner/lien holder upon demand. Failure to comply will result in the forfeiture of all administrative costs, towing, and storage fees.

3. The maximum administrative fee that may be charged for filing of the Official Report of Stored Vehicle card shall be \$25 for in-state notifications and \$30 for out-of-state notifications. The maximum administrative fee that may be charged for mailing certified letters to the registered owner/lien holder shall be no more than the rate designated by the U.S. Postal Service for certified letters plus \$4 per letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 26:348 (February 2000), LR 28:1800 (August 2002).

§1953. Permit to Sell

A. Abandoned/Repaired Vehicles, Nonpayment of Storage/Repairs

1. Whenever any vehicle of a type subject to registration in this state has been stored or left in possession of a motor vehicle dealer or repairman, for repair or otherwise, and the same has not been claimed after 45 days from the notice required in R.S. 32:1720, and no payment

for the cost of storage or repair has been made for that period, the motor vehicle dealer or repairman with whom the vehicle has been left for storage or repair may dispose of it as described in R.S. 32:1728 and collect the charges and cost of storage and cost of actual authorized repairs, if the storage facility has complied with this Chapter and the following provisions: R.S. 32:1719, 32:1720 and 32:1717.1. The charges and costs for storing shall not exceed any maximum charges set by the Public Service Commission for storage services pursuant to its legal authority under R.S. 45:180.1, or as otherwise provided by state law.

2. Only towing services and/or storage facilities that have complied with R.S. 32:1717.1, may apply to the Office of Motor Vehicles, Reconstructed / Stored Vehicle Unit, P.O. Box 64886, Baton Rouge, LA 70896, for a permit to sell as referenced above in accordance with the procedures outlined in R.S. 32:1728 and this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1801 (August 2002).

§1955. Revocation or Suspension of Tow Truck License Plate

A. Any person who violates any rule or regulation herein may have his/her tow truck license plate(s) revoked or suspended by the deputy secretary or his authorized subordinate, and is subject to civil and/or criminal penalties pursuant to the provisions of R.S. 32:1711 through R.S. 32:1735.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1801 (August 2002).

§1963. Hearings

A. ...

B. The hearing shall be conducted by the public agency authorizing the tow (or other body authorized to do so) within three business days after receipt of the request for a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 15:1097 (December 1989), amended LR 28:1801 (August 2002).

§1973. Storage Facilities; Licensing, Fees, Inspection, Requirements

A. Each towing company or storage facility which stores vehicles under the provisions of this chapter, shall pay an annual, non-prorated, non-refundable fee of \$100 for a Storage Inspection License for each storage location to the Louisiana State Police, Towing and Recovery Unit prior to conducting business. The fee shall be paid no later than the first day of July each year or prior to a new business commencing operation or new location being utilized, and shall be accompanied by a completed application for a Storage Inspection License.

B. If the application for renewal has not been received by the Towing and Recovery Unit on or before the close of business on the date of expiration, the license is expired, and

a new application, along with all appropriate fees shall be required to be filed and paid.

C. All fees required for application/renewal and any administrative fines or penalties shall be remitted to the following address: Louisiana State Police, Towing and Recovery Unit, Mail Slip 21, P.O. Box 66614, Baton Rouge, LA 70896.

D. Towing/storage companies must make business records available for inspection by state police officers, and shall provide copies upon request.

E. A valid, non-transferable Storage Inspection License shall be displayed in a clearly visible, publicly accessible location at the business office of each storage location.

F. All towing and/or storage companies with a change in name and/or ownership, shall immediately reapply to Louisiana State Police, Towing and Recovery Unit.

1. Companies with a change in name only, shall be reissued a storage inspection license with the proper name and will not be charged the current annual fees for the valid existing license.

2. Companies with a change in ownership shall relinquish their storage inspection license to the LSP Towing Unit prior to the transfer of ownership. New owners shall apply for and pay all required fees prior to commencing operations.

G.1. The department or its authorized agent shall verify companies have complied with the Storage Inspection License requirements, by requiring the company's valid storage inspection license number be listed on the Official Report of Stored Vehicle (ORSV). In the event a company has not complied with the Storage Inspection Licensing requirements, the department or its authorized agent shall:

- a. provide the owner information requested on the ORSV to the storage or towing company; and
- b. notify the LSP Towing and Recovery Unit, in writing and within three business days of receiving an ORSV card, the name of the filing company, and a copy of the ORSV.

2. Companies that fail to comply with the licensing requirements set forth in this chapter and charge for vehicle storage shall be subject to administrative penalties in accordance with law and rule.

H. Companies storing vehicles shall include a copy of their valid storage inspection license when filing with the department for permits to sell or permits to dismantle vehicles stored pursuant to this Chapter.

I. The department (or its authorized agents) shall not issue permits to sell or permits to dismantle to companies failing to comply with the storage inspection licensing requirements.

J. Storage companies shall apply for and be issued Storage Inspection Licenses prior to charging or collecting storage or administrative fees. Any company found in violation shall be subject to civil and/or criminal penalties and shall forfeit all storage and administrative fees.

K. All licensees and applicants for licenses shall be current in filing all applicable tax returns and in the payment

of all taxes, penalties and interest owed to local government, the state of Louisiana and the Internal Revenue Service.

L. Prior to obtaining a storage inspection license, all applicable parish and/or municipal occupational licenses required for a facility to operate within said parish or municipality shall be current and valid.

M. Storage companies shall comply with the insurance requirements listed in this Chapter, namely:

1. garage keepers legal liability insurance in an amount not less than \$50,000;
2. garage liability insurance in an amount of not less than \$50,000;
3. any other applicable insurance requirements listed in this Chapter, i.e., tow trucks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 28:1801 (August 2002).

§1975. Law Enforcement Rotation Lists

A. Law enforcement agencies may establish a rotation list of towing companies, located within their jurisdiction, with tow trucks and facilities licensed in accordance with the provisions of R.S. 32:1711 et seq.

B. Towing companies selected by a law enforcement agency to participate in the rotation list shall participate at the discretion of the law enforcement agency and may be removed for any violation of law, agency rule or policy.

C. Towing companies selected by the owner or operator of a motor vehicle or the law enforcement officer shall be allowed to respond to the call within 45 minutes. If the towing company fails to arrive within 45 minutes, the law enforcement officer may select the next available towing company from the approved rotation list.

D. The owner or operator of a motor vehicle who cannot provide law enforcement officers with sufficient proof of liability insurance coverage on said vehicle may select a licensed towing company to tow his vehicle. If the owner or operator of a vehicle does not choose to select a particular licensed towing company, the next available licensed towing company on the approved law enforcement rotation list, if any, shall be called by the law enforcement officer to tow the vehicle.

E. Tow companies utilized on Louisiana State Police (LSP) rotation lists shall comply with established LSP policies and procedures. Failure to comply may result in civil penalties being levied, removal from the rotation list(s) or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1711 through R.S. 32:1735

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 28:1802 (August 2002).

Christopher Keaton
Undersecretary

0208#044

RULE

**Department of Public Safety and Corrections
Office of State Police**

Weights and Standards
**Definition of Measurable
Precipitation and Weight Limitations**
(LAC 55:I.2303 and 2315)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq. and R.S. 32:380-389 has amended LAC 55, Part I Chapter 23, §§2303 and 2315 to delete the definition of measurable precipitation and to delete all language prescribing weight limitations for solid waste haulers when there has been such precipitation.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 23. Weights and Standards

§2303. Definitions

* * *

Measurable Precipitation Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:380-389.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:2627 (November 2000), amended LR 28:1803 (August 2002).

§2315. Weight Limitations

A. - B.5.g. ...

C. Any truck fitted with a compactor body which is engaged in the collecting and hauling of solid waste shall not be assessed a penalty for exceeding the maximum permissible gross weight if the waste is wet and the location from which the waste was collected had received measurable precipitation within 24 hours prior to collection.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:380-389.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:2629 (November 2000), amended LR 28:1803 (August 2002).

Christopher Keaton
Undersecretary

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