

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
CGuidelines 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, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, *Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975).

At its September 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, 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. The revisions:

- removed any reference to the special education waiver;
- clarified student eligibility to attend summer remediation;
- clarified eligibility requirements for the appeals process;
- outlined the role of the local Pupil Progression Plan in governing grade placement; and
- defined a Louisiana resident for the purposes of this policy.

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 28:269, 272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:

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.

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 and to those who did not test in the spring, but wish to prepare for the Summer administration. 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. However, students must attend the LEA offered summer school to be eligible for the appeal process or the policy override.

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 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 or the policy override. These students are not eligible to take The Iowa Tests for placement purposes.

10. 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.

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

12. The High Stakes Testing Policy and the local Pupil Progression Plan shall govern grade placement of students transferring to the local school systems.

NOTE: A Louisiana resident transferring from any out-of-state school is defined as a student living in Louisiana but attending school in an adjacent state.

* * *

Interested persons may submit written comments until 4:30 p.m., January 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Guidelines for Nonpublic and
Home Schooling Students Transferring
to the Public School Systems**

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

There should be no additional implementation costs (savings) to state or local governmental units.

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

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

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

School systems personnel (public and nonpublic), students with disabilities and the general public will be affected by this policy because of better accountability and a more informed public.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There should be no affect on competition and employment.

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NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook For School
Administrators C Personal Financial Literacy
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, *Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and

Secondary Education in LR 1:483 (November 1975). This action is a result of recent legislation (R.S. 17:282.3) directing the Board of Elementary and Secondary Education to adopt rules and guidelines to further enhance efforts to promote financial literacy in schools. The addition of this procedural block to Bulletin 741 will encourage local school systems to integrate the teaching of personal management skills and the basic principles involved with earning, spending, saving, and investing into currently existing courses.

**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 28:269, 272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 29:

Curriculum

1.087.00 The school system shall plan and implement a continuous program of skills, concepts, and instruction in a learning environment designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his/her full potential.

The school system shall develop a character education philosophy and implementation plan consistent with its locally developed curriculum.

Any public elementary or secondary school may offer instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with earning, spending, saving, and investing. Such instruction and subject matter shall be integrated into an existing course of study.

* * *

Interested persons may submit written comments until 4:30 p.m., January 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Personal Financial Literacy**

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

The integration of personal financial management skills and the basic principles involved with earning, spending, saving, and investing within already existing courses offered in school systems should have no direct cost. Adding these components to existing courses may enhance the content of the courses.

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

There is no effect on revenue collection of state or local governmental units.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

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NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
CPolicy for Louisiana's Public Education Accountability System
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed

changes more clearly explain and refine the existing policy as it pertains to the appeals and waiver process and the inclusion of new schools and/or significantly reconfigured schools in the accountability system.

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EDUCATION

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Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269, 272 (February 2002), LR 28:991, (May 2002); LR 28:1187 (June 2002), LR 29:

The Louisiana School and District

Accountability System

School Performance Scores

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

New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's shall have the option of using

- the district average for schools in the same category as the new school
- data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

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

- a score for regular education students, including gifted, talented, and Section 504 students.
- a score including regular education students AND students with disabilities eligible to participate in the CRT and/or NRT tests.

For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

Formula for Calculating an SPS [K-6]			
The SPS for a sample school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10%)] = 67.1			
<i>Indicator</i>	<i>Index Value</i>	<i>Weight</i>	<i>Indicator Score</i>
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
Dropout	N/A	0%	0
			SPS = 67.1

Criterion-Referenced Tests (CRT) Index Calculations [K-8]

A school's CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced =	200 points
Mastery (Exceeding the Standard) =	150 points
Basic (Meeting the Standard) =	100 points
Approaching Basic (Approaching the Standard) =	50 points
Unsatisfactory =	0 points

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

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

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

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

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

Transition Years [K-8]

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

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

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

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

NRT Goals and Equivalent Standard Scores

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

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

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

Formula for Calculating a School's NRT Index [K-8]
<ol style="list-style-type: none"> Calculate the index for each student, using the grade-appropriate formula relating the Standard Score to NRT Index. (NOTE: For accountability purposes, a student not taking the test and not exempted will be assigned a zero NRT index.) Sum the total number of NRT Index points for all grades in the school. Divide the sum of the NRT Index points by the total number of students eligible to be tested plus the number of students not exempted. Zero shall be the lowest NRT Index score reported for School Performance Score calculations.

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

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

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

Dropout Index Calculations
A Dropout Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indices shall be calculated using the prior two years' average dropout rates as compared to the State's goals.

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

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

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

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

School Performance Scores for 9-12

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

Every year of student data shall be used as part of a high school's SPS. The school's initial SPS shall be calculated using the most recent year's NRT and CRT test data and the prior year's attendance and dropout rates. Subsequent calculations of the SPS shall use the most recent two years' test data, attendance and dropout rates from the two years prior to the last year of test data used.

Transition Years [9-12]							
To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced tests, the Department shall use the following indicators:							
Timelines/School Years			Indicators Included				
Cycle	Baseline SPS Data	SPS Data	Grade 9 NRT	Grade 10 CRT	Grade 11 CRT	Attendance	Dropout
1	2000-01	2002-03	✓	✓		✓*	✓*
2	2001-02 & 2002-03 (avg.)	2003-04 & 2004-05 (avg.)	✓	✓	✓	✓*	✓*
3	2003-04 & 2004-05 (avg.)	2005-06 & 2006-07 (avg.)	✓	✓	✓	✓*	✓*

*Indicates use of prior year data for these indexes.
¹The SPS at the beginning of cycle 2 shall be calculated using the average of the 2002 and 2003 NRT scores, the average of the 2002 and 2003 CRT scores, and the average of the 2001 and 2002 attendance and dropout data. The SPS for the beginning of cycle 2 shall be compared to the 2001 baseline SPS for determining growth.

Transition Years [Combination Schools]	
Combination Schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade.	
To accommodate the phase-in of Social Studies and Science components of the CRT tests for Secondary Accountability Cycles, the Department shall use the following LEAP Test components when calculating the SPS for combination schools.	
Cycle 1 Baseline SPS for Combination Schools	Cycle 2 SPS for Combination Schools
K-8 portion of school: 2 years averaged (2000 and 2001) of all CRT data	K-8 portion of school: 2 years averaged (2002 and 2003) of all CRT data.
9-12 portion of school: 1 year baseline data (2001) without grade 11 CRT	9-12 portion of school: 2 years averaged (2002 and 2003) of all CRT data.

Formula for Calculating an SPS – Accountability Cycle 1 (2001) for 9-12 and Combination Schools.			
During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is			
$\text{SPS} = (.60 * \text{Grade 10 CRT Adjusted Achievement Index}) + (.30 * \text{NRT Adjusted Achievement Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$			
All intermediate results and the final result shall be rounded to the nearest tenth.			
The following is an example of how this calculation shall be made: $[(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0.$			
Indicator	Index Value	Weight	Indicator Score
CRT—Grade 10	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance Index	50.0	5%	2.5
Dropout Index	87.5	5%	4.4
SPS			69.0
Formula for Calculating an SPS – Accountability Cycle 2 (2003 and beyond) for 9-12 and Combination Schools.			
During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is			
$\text{SPS} = (.30 * \text{Grade 10 CRT Adjusted Achievement Index}) + (.30 * \text{Grade 11 CRT Adjusted Achievement Index}) + (.30 * \text{NRT Index}) + (.05 * \text{Dropout Index}) + (.05 * \text{Attendance Index})$			
In this example, $[(.30 * 66.0) + (.30 * 60.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 67.2.$			

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

Norm-Referenced Tests (NRT) Index Calculations [9-12]		
For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a high school's NRT Index score.		
NRT Goals and Equivalent Standard Scores for Grade 9		
Goal	Percentile Rank	Grade 9 Composite Standard Score
10-Year Goal	55th	263
20-Year Goal	75th	287

NRT Formulas Relating Student Standard Scores to NRT Index [9-12]	
If the 10-Year and 20-Year Goals are the 55th and 75th percentile ranks respectively and if the SS = a student's standard score, the index for a grade 9 student is calculated as follows:	
$\text{Index 9th grade} = (2.083 * \text{SS}) - 447.8$ $\text{SS} = (\text{Index 9th grade} + 447.8) / 2.083$	

<p>Option II students: those students failing the 8th grade LEAP 21 that have been</p> <ul style="list-style-type: none"> • retained and placed on the high school campus • must take the 9th grade NRT and • must retake only the part of the 8th grade LEAP 21 they originally failed (English language arts or mathematics). <p>If, during spring testing, a student receives a score of Approaching Basic (Approaching the Standard) or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring, the high school shall receive incentive points in its accountability index. For the 2000-2001 school year, a student may earn a maximum of 100 incentive points in his/her school's accountability index. Beginning cycle 2 (2001-2002), a student may earn a maximum of 50 incentive points for his/her school. (See High Stakes Testing Policy.)</p>

<p>Only with the exception of grade 8 Option II students, all Louisiana students in grades three through eleven will participate in only one of the following state assessments on an annual basis:</p> <ul style="list-style-type: none"> • LEAP 21 or, • GEE 21 or, • Iowa On-Level or, • LEAP Alternate Assessment B (LAA-B) or, • LEAP Alternate Assessment (LAA)

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

Formula for Calculating the NRT and CRT Adjusted Achievement Index for a High School	
1.	Sum the number of points earned by all students. For the NRT, there shall be one score for each student: the NRT Index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.
2.	Divide by the total number of students eligible to be tested times the number of content area tests. This calculation provides the raw achievement index for the grade.
3.	Multiply the raw index by the product of the non-dropout rates from the previous year, for that grade and for all the previous grades. (See Examples below.) This operation means that the grade 9 NRT Index shall be multiplied by the grade 9 non-dropout rate, the grade 10 CRT Index shall be multiplied by the grade 9 and grade 10 non-dropout rates, and the grade 11 CRT Index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates. This operation shall yield the Adjusted Achievement Index.
4.	Zero shall be the lowest NRT or CRT Adjusted Achievement Index score reported for accountability calculations.
<p>The formula for calculating the NRT and CRT Adjusted Achievement Index for a High School is:</p> <p style="margin-left: 40px;">NRT Adjusted Achievement Index = Raw Achievement Index * (1-DO Gr 9 + .07)</p> <p style="margin-left: 40px;">CRT Adjusted Achievement Index (Gr 10) = Raw Achievement Index * (1-DO Gr 9 + .07) * (1-DO Gr 10 + .07)</p>	

$$\text{CRT Adjusted Achievement Index (Gr 11)} = \text{Raw Achievement Index} * (1 - \text{DO Gr 9} + .07) * (1 - \text{DO Gr 10} + .07) * (1 - \text{DO Gr 11} + .07)$$

Example 1 - Grade 9:

- Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is $(5/50) = .100$.
- The number of points earned on the NRT is 5000.
- The raw achievement index is $5000/45 = 111.1$.
- The adjusted achievement index is $111.1 * (1 - .100 + .07) = 107.8$.

Example 2 - Grade 10:

- Another 5 students dropout before October of grade 10. The grade 10 dropout rate is $5/45 = .111$.
- The 40 students remaining in the class earn 10,000 points on the two CRT tests. The raw achievement index is $10,000/(40 * 2) = 125.0$.
- The adjusted achievement index is $125.0 * (1 - .100 + .07) * (1 - .111 + .07) = 116.3$.

Attendance Index Calculations for Grades 9-12
 An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two years' average attendance rates as compared to the State's goals.

Attendance Goals		
	10-Year Goal	20-Year Goal
Grades 9-12	93%	96%

Attendance Index Formula for Grades 9-12
 If the 10-Year and 20-Year Goals are 93% and 96% average attendance respectively and if the ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows:

$$\text{Indicator (ATT 9-12)} = (16.667 * \text{ATT}) - 1450.0$$

Example:

- If the average attendance percentage is 94.3%, the Attendance Index would be $(16.667 * 94.3) - 1450.0 = 121.7$.

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

Dropout Index Calculations for Grades 9-12

A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the State's goals.

Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 9-12	7%	3%

Dropout Index Formula for Grades 9-12

$$\text{Dropout Index} = 187.5 - (12.5 * \text{dropout rate})$$

Example:
 If the dropout rate is 4.5%, the Dropout Index would be $187.5 - (12.5 * 4.5) = 131.3$.

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

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

Appeals Procedures

2.006.13 An appeal/waiver procedure has been authorized by the State Board of Elementary and Secondary Education (SBESE) and shall be used to address unforeseen and aberrant factors impacting schools in Louisiana.

The Department shall review appeal/waiver requests and make recommendations to the SBESE within sixty days, beginning the last day of the appeals/waiver filing period. Within this interval, the Department shall notify LEAs of its recommendations and allow them to respond in writing. The Department's recommendations and LEA responses will be forwarded to SBESE for final disposition.

An *appeal* is generally defined as a request for the calculation or recalculation of the School Performance Score (SPS), and/or SPS baseline and Growth Target.

A *waiver* is generally defined as a temporary "withholding" of accountability decisions for no more than one accountability cycle. Waivers shall be denied to aggrieved parties attempting to subvert the intent of provisions outlined in the state statute.

General Guidelines: Parent/School-Level Requests

Parents or individual schools seeking an appeal or waiver on issues relating to Louisiana's District and School Accountability System shall file their requests, regardless of the type, through the Superintendent, or appointed representative as authorized by the local governing board of education.

General Guidelines: Local Board of Education-Level Requests

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

Data corrections shall be grounds for an appeal or waiver request when (a) evidence attributes data errors to the LDE and/or those contractors used for the student assessment program, and/or (b) evidence attributes errors to the LEA and corrections result in a change in Rewards or Corrective Actions status. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and Growth Target, except as outlined in *Bulletin 741*, shall not be considered by the LDE.

Supporting documentation for appeal/waiver requests should clearly outline those data that are erroneous. Further, computations by the local board of education's officials should provide evidence that the school's SPS is significantly affected by the data in question and that corrections impact Rewards, or Corrective Actions status. The local school system shall be responsible for supplying the LDE with information necessary for recalculating a school's SPS, per LDE instructions.

Criteria for Appeal

LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to Option status for Alternative schools or pair/share status during the LDE Accountability Status Verification process **prior to** the calculation of the School Performance Scores. Fall SPS calculations shall be made using the information provided to the LDE in the following instances.

1. The student population in a school significantly increases by greater than or equal to ten percent as a result of students transferring into the school from outside of the district (Ref. 2.006.14).
2. An Alternative School changes its Option status by meeting the eligibility requirements outlined in *Bulletin 741*, Section 1.006.14.
3. A school's (inclusive of those paired or shared) enrollment has significantly changed by fifty percent or more from the previous academic year as a result of redistricting by the local governing board or education (Ref. 2.006.15).

The LDE shall provide a report to SBESE of all configuration, pair/share, or Alternative Option status changes.

If an LEA does not submit changes to school status to the LDE during the Accountability Status Verification process, the LEA may petition SBESE during the Appeals timeframe, after the SPS release. LEAs may petition SBESE in instances not addressed by policy or in instances when the policy is unclear.

An LEA shall inform the LDE during the Accountability Status Verification process (Ref. 2.006.13) of schools within the district that have been closed. An appeal shall be filed by the LEA to receive monetary rewards for any eligible closed school.

Criteria for Waiver

1. The recalculated SPS baseline of a school changes by five points (+/-5) as a result of a significant change of ten percent or more in the student population because of students transferring into the school from outside of the district (Ref. 2.006.14).
2. Factors beyond the reasonable control of the local governing board of education and also beyond the reasonable control of the school exist.
3. A school lacks the statistically significant number of testing units for the CRT (80 units) and NRT (20 units) necessary to calculate the SPS and has no systematic "feeding" pattern into another school by which data could be "shared" (Ref. 2.006.15) because the school is
 - a Lab School;
 - a Type 1, 2, or 3 Charter School;
 - operated by the Department of Corrections; or
 - beyond the sovereign borders of Louisiana;
 - an SSD #1 or #2 school;
 - a SBESE school;
 - non-diploma bound school.
4. The student body of the school (Pre-K through K-2) comprises primarily Pre-K and K students (greater than fifty percent of the total student membership) and has no systematic "feeding" pattern into another school or schools by which it could be "paired" (Ref. 2.006.15). A feeding pattern is defined as the plan used by local governing boards of education to transfer students from one school to another for educational services as a result of pupil progression into higher grades.

New Schools and/or Significantly Reconfigured Schools

2.006.16 For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be

issued in order to prevent a school from entering the Accountability System. Before a new school is created, the Local Education Authority must work with the Louisiana Department of Education to explore ways the new school can be included in the Accountability System.

When two or more schools are created from an existing school (e.g., Grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the existing site code stays with the school that contributed most to the original SPS (as determined by the LDE), and the "new" school shall receive a new site code. New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's will have the option of using (a) the district average for schools in the same category as the new school or (b) data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

Reconfigured Schools

- A reconfigured school shall retain its rewards and/or Corrective Actions status if 50% or more of the students remain at the school;
- A reconfigured school shall transfer its rewards and/or Corrective Actions status if 50% or more of the students transfer to another school;

Interested persons may submit written comments until 4:30 p.m., January 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
Policy for Louisiana's Public Education Accountability System (LAC 28:I.901)

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741C Louisiana Handbook for School Administrators Policy for Louisiana's Public Education Accountability System

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs to state governmental units. The proposed changes more clearly explain and refine the existing policy as it pertains to the appeals and waiver process and the inclusion of new schools and/or significantly reconfigured schools in the accountability system.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0211#067

H. Gordon Monk
Staff Director
Legislative Fiscal Office

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed changes more clearly explain and refine existing policy as follows:

1. changes in the criterion-referenced test (CRT) labeling system;
2. clarification of the process for schools entering/progressing into Corrective Actions;
3. clarification of the process for offering School Choice to students enrolled in Academically Unacceptable schools;
4. inclusion of the requirement of offering state approved supplemental services to students enrolled in Corrective Actions Level II and III schools; and
5. inclusion of the reporting of subgroup performance.

**Title 28
EDUCATION**

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269, 272 (February 2002); LR 28:991 (May 2002); LR 28:1187 (June 2002), LR 29:

* * *

**The Louisiana School and
District Accountability System
School Accountability**

2.006.02 Each school shall be expected to reach 10- and 20-Year Goals that depict minimum educational performances.

K-8 Indicators and Weighting			
Indicators and Weighting	Grades Administered	10-Year Goal	20-Year Goal
CRT (60% K-8)	Grades 4, 8	Average student score at BASIC (Meeting the Standard)	Average student score at MASTERY (Exceeding the Standard)
NRT (30% K-8)	Grades 3, 5, 6, 7	Average composite standard score corresponding to the 55th percentile rank in the tested grade level	Average composite standard score corresponding to the 75th percentile rank in the tested grade level
Attendance (10% K-6; 5% 7-8)		95% (grades K-8)	98% (grades K-8)
Dropout Rate (5% 7-8)		4% (grades 7-8)	2% (grades 7-8)

9-12 Indicators and Weighting					
Indicator	Weight Cycle		Grades Administered	10-Year Goal	20-Year Goal
	1	2			
	CRT— English/language arts and mathematics	60%			
CRT— science and social studies	--	30%	11	Average student score at BASIC (Meeting the Standard)	Average student score at MASTERY (Exceeding the Standard)
NRT		30%	9	Average composite standard score corresponding to the 55 th percentile rank in the tested grade level	Average composite standard score corresponding to the 75 th percentile rank in the tested grade level
Attendance Rate		5%		93%	96%
Dropout Rate		5%		7%	3%

School Performance Scores

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

For the first accountability cycle, the baseline SPS shall be calculated using CRT and NRT scores from spring 1999 and the prior year's attendance and dropout data. The Growth SPS shall be calculated using CRT and NRT scores from spring 2001 and the prior year's attendance and dropout data.

During the fall of 2001 for K-8 schools, each school shall receive **two** School Performance Scores as follows:

- a Growth SPS will be calculated using 2001 English language arts/Math LEAP 21 test scores, 2001 Iowa test scores, and 2000 attendance and dropout data.
- a new Baseline SPS will be calculated using the average of the 1999-2000 and 2000-2001 English language arts/Math/Science/Social Studies LEAP 21 test scores, the average of the 1999-2000 and 2000-2001 Iowa test scores and the average of the 1999 and 2000 attendance and dropout data.

The Growth SPS shall be used to determine Growth Labels and to calculate rewards. The new Baseline shall be used to determine Performance Labels and to calculate the next cycle's Growth Target. The higher SPS (Growth or Baseline) shall be used to determine movement in Corrective Actions. (See Standard 2.006.09)

Beginning the second cycle, every year of student data shall be used as part of a school's SPS. Calculations of the SPS shall use the following:

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

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

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

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

- a score for regular education students, including gifted, talented, and Section 504 students.
- a score including regular education students AND students with disabilities eligible to participate in the CRT and/or NRT tests.

For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

Formula for Calculating an SPS [K-6]			
The SPS for a sample school is calculated by multiplying the index values for each indicator by the weight given to that indicator and adding the total scores. In the example, [(66.0 * 60%) + (75.0 * 30%) + (50.0 * 10%)] = 67.1			
<i>Indicator</i>	<i>Index Value</i>	<i>Weight</i>	<i>Indicator Score</i>
CRT	66.0	60%	39.6
NRT	75.0	30%	22.5
Attendance	50.0	10%	5.0
Dropout	N/A	0%	0
			SPS = 67.1

Criterion-Referenced Tests (CRT) Index Calculations [K-8]	
A school's CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.	
Advanced =	200 points
Mastery (Exceeding the Standard) =	150 points
Basic (Meeting the Standard) =	100 points
Approaching Basic (Approaching the Standard) =	50 points
Unsatisfactory =	0 points

- Formula for Calculating a CRT Index for a School [K-8]**
1. Calculate the total number of points by multiplying the number of students at each Performance level times the points for those respective performance levels, for all content areas.
 2. Divide by the total number of students eligible to be tested times the number of content area tests.
 3. Zero shall be the lowest CRT Index score reported for accountability calculations.

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

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

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

Transition Years [K-8]

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

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

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

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

NRT Goals and Equivalent Standard Scores

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

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

NRT Formulas Relating Student Standard Scores to NRT Index [K-8]

Where the 10-year and 20-year goals are the 55th and 75th percentile ranks, respectively, and where SS = a student's standard score, then the index for that student is calculated as follows:

Grade 3:	Index 3 rd grade = (4.167 * SS) - 679.2 SS = (Index 3rd grade + 679.2)/4.167
Grade 5:	Index 5 th grade = (2.941 * SS) - 544.1 SS = (Index 5th grade + 544.1)/2.941
Grade 6:	Index 6 th grade = (2.500 * SS) - 477.5 SS = (Index 6th grade + 477.5)/2.500
Grade 7:	Index 7 th grade = (2.174*SS) - 428.3 SS= (Index 7th grade + 428.3)/2.174

Formula for Calculating a School's NRT Index [K-8]

- Calculate the index for each student, using the grade-appropriate formula relating the Standard Score to NRT Index. (NOTE: For accountability purposes, a student not taking the test and not exempted will be assigned a zero NRT index.)
- Sum the total number of NRT Index points for all grades in the school.
- Divide the sum of the NRT Index points by the total number of students eligible to be tested plus the number of students not exempted.
Zero shall be the lowest NRT Index score reported for School Performance Score calculations.

Attendance Index Calculations [K-8]

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

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

Lowest Attendance Index Score

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

Dropout Index Calculations

A Dropout Index score for each school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indices shall be calculated using the prior two years' average dropout rates as compared to the State's goals.

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

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

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

Lowest Dropout Index Score

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

School Performance Scores for 9-12

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

Every year of student data shall be used as part of a high school's SPS. The school's initial SPS shall be calculated using the most recent year's NRT and CRT test data and the prior year's attendance and dropout rates. Subsequent calculations of the SPS shall use the most recent two years' test data, attendance and dropout rates from the two years prior to the last year of test data used.

Transition Years [9-12]							
To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced tests, the Department shall use the following indicators:							
Timelines/School Years			Indicators Included				
Cycle	Baseline SPS Data	SPS Data	Grade 9 NRT	Grade 10 CRT	Grade 11 CRT	Attendance	Dropout
1	2000-01	2002-03	✓	✓		✓*	✓*
2	2001-02 & 2002-03 (avg.)	2003-04 & 2004-05 (avg.)	✓	✓	✓	✓*	✓*
3	2003-04 & 2004-05 (avg.)	2005-06 & 2006-07 (avg.)	✓	✓	✓	✓*	✓*
*Indicates use of prior year data for these indexes.							
†The SPS at the beginning of cycle 2 shall be calculated using the average of the 2002 and 2003 NRT scores, the average of the 2002 and 2003 CRT scores, and the average of the 2001 and 2002 attendance and dropout data. The SPS for the beginning of cycle 2 shall be compared to the 2001 baseline SPS for determining growth.							

Transition Years [Combination Schools]

Combination Schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade.

To accommodate the phase-in of Social Studies and Science components of the CRT tests for Secondary Accountability Cycles, the Department shall use the following LEAP Test components when calculating the SPS for combination schools.

Cycle 1 Baseline SPS for Combination Schools	Cycle 2 SPS for Combination Schools
K-8 portion of school: 2 years averaged (2000 and 2001) of all CRT data	K-8 portion of school: 2 years averaged (2002 and 2003) of all CRT data.
9-12 portion of school: 1 year baseline data (2001) without grade 11 CRT	9-12 portion of school: 2 years averaged (2002 and 2003) of all CRT data.

Formula for Calculating an SPS– Accountability Cycle 1 (2001) for 9-12 and Combination Schools.

During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is

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

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

The following is an example of how this calculation shall be made:

$$[(.60 * 66.0) + (.30 * 75.0) + (.05 * 50.0) + (.05 * 87.5)] = 69.0.$$

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

Formula for Calculating an SPS– Accountability Cycle 2 (2003 and beyond) for 9-12 and Combination Schools.

During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is

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

In this example,

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

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

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

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

NRT Goals and Equivalent Standard Scores for Grade 9

Goal	Percentile Rank	Grade 9 Composite Standard Score
10-Year Goal	55th	263
20-Year Goal	75th	287

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

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

$$\begin{aligned} \text{Index 9th grade} &= (2.083 * \text{SS}) - 447.8 \\ \text{SS} &= (\text{Index 9th grade} + 447.8)/2.083 \end{aligned}$$

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

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

If, during spring testing, a student receives a score of Approaching Basic (Approaching the Standard) or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring, the high school shall receive incentive points in its accountability index. For the 2000-2001 school year, a student may earn a maximum of 100 incentive points in his/her school's accountability index. Beginning cycle 2 (2001-2002), a student may earn a maximum of 50 incentive points for his/her school. (See High Stakes Testing Policy.)

Only with the exception of grade 8 Option II students, all Louisiana students in grades three through eleven will participate in only one of the following state assessments on an annual basis:

- LEAP 21 or,
- GEE 21 or,
- Iowa On-Level or,
- LEAP Alternate Assessment B (LAA-B) or, LEAP Alternate Assessment (LAA)

Criterion-Referenced Tests (CRT) Index Calculations [9-12]

A high school's CRT Index score at each grade equals the sum of the eligible student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

Advanced	200 points
Mastery (Exceeding the Standard)	150 points
Basic (Meeting the Standard)	100 points
Approaching Basic (Approaching the Standard)	50 points
Unsatisfactory	0 points

Formula for Calculating the NRT and CRT Adjusted Achievement Index for a High School

1. Sum the number of points earned by all students. For the NRT, there shall be one score for each student: the NRT Index calculated from the student's composite standard score. For the CRT, students shall be taking two tests at each grade.
2. Divide by the total number of students eligible to be tested times the number of content area tests. This calculation provides the raw achievement index for the grade.
3. Multiply the raw index by the product of the non-dropout rates from the previous year. For that grade and for all the previous grades. (See Examples below.) This operation means that the grade 9 NRT Index shall be multiplied by the grade 9 non-dropout rate, the grade 10 CRT Index shall be multiplied by the grade 9 and grade 10 non-dropout rates, and the grade 11 CRT Index shall be multiplied by the grade 9, grade 10 and grade 11 non-dropout rates. This operation shall yield the Adjusted Achievement Index.
4. Zero shall be the lowest NRT or CRT Adjusted Achievement Index score reported for accountability calculations.

The formula for calculating the NRT and CRT Adjusted Achievement Index for a High School is:

$$\text{NRT Adjusted Achievement Index} = \text{Raw Achievement Index} * (1 - \text{DO Gr } 9 + .07)$$

$$\text{CRT Adjusted Achievement Index (Gr 10)} = \text{Raw Achievement Index} * (1 - \text{DO Gr } 9 + .07) * (1 - \text{DO Gr } 10 + .07)$$

$$\text{CRT Adjusted Achievement Index (Gr 11)} = \text{Raw Achievement Index} * (1 - \text{DO Gr } 9 + .07) * (1 - \text{DO Gr } 10 + .07) * (1 - \text{DO Gr } 11 + .07)$$

Example 1 - Grade 9:

- Before beginning grade 9, a class has 50 students; by the end of September, 45 remain in the class. The grade 9 dropout rate is $(5/50) = .100$.
- The number of points earned on the NRT is 5000.
- The raw achievement index is $5000/45 = 111.1$.
- The adjusted achievement index is $111.1 * (1 - .100 + .07) = 107.8$.

Example 2 - Grade 10:

- Another 5 students dropout before October of grade 10. The grade 10 dropout rate is $5/45 = .111$.
- The 40 students remaining in the class earn 10,000 points on the two CRT tests. The raw achievement index is $10,000/(40 * 2) = 125.0$.
- The adjusted achievement index is $125.0 * (1 - .100 + .07) * (1 - .111 + .07) = 116.3$.

Attendance Index Calculations for Grades 9-12

An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two years' average attendance rates as compared to the State's goals.

Attendance Goals

	10-Year Goal	20-Year Goal
Grades 9-12	93%	96%

Attendance Index Formula for Grades 9-12

If the 10-Year and 20-Year Goals are 93% and 96% average attendance respectively and if the ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows:

$$\text{Indicator (ATT 9-12)} = (16.667 * \text{ATT}) - 1450.0$$

Example:

- If the average attendance percentage is 94.3%, the Attendance Index would be $(16.667 * 94.3) - 1450.0 = 121.7$.

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

Dropout Index Calculations for Grades 9-12		
A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the State's goals.		
Dropout Goals		
	10-Year Goal	20-Year Goal
Grades 9-12	7%	3%
Dropout Index Formula for Grades 9-12		
Dropout Index = $187.5 - (12.5 \times \text{dropout rate})$		
Example: If the dropout rate is 4.5%, the Dropout Index would be $187.5 - (12.5 * 4.5) = 131.3$.		
Zero shall be the lowest Dropout Index score reported for accountability calculations.		

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

Performance Labels

2.006.07 A Performance Label shall be given to a school that qualifies, in addition to the Growth Label.

The Louisiana Department of Education shall calculate two state averages. A state average shall be calculated for K-8 schools and a state average shall be calculated for 9-12, K-12 and combination schools.

Performance Labels
A school is Academically Unacceptable if it has an SPS < 45.0 points in 2003 and an SPS < 60.0 points in 2005.
Beginning 2003, any Academically Unacceptable school immediately enters Corrective Actions II.
A school that is not Academically Unacceptable but has a SPS < the State Average shall be labeled Academically Below the State Average.
A school that is not Academically Unacceptable but has a SPS < 100.0 points but > the State Average shall be labeled Academically Above the State Average.
**A school with a SPS of 100.0 - 124.9 shall be labeled a <i>School of Academic Achievement</i>
**A school with a SPS of 125.0 - 149.9 shall be labeled a <i>School of Academic Distinction</i> .
**A school with a SPS of 150.0 or above shall be labeled a <i>School of Academic Excellence</i> .
**During the first ten years, a school with these labels shall no longer be subject to Corrective Actions and shall not receive "negative" growth labels. (See Standard 2.006.06.) This school shall continue to meet or exceed its Growth Target to obtain a "positive" growth label, recognition, and possible rewards.

Corrective Actions

2.006.09 A school shall enter in Corrective Actions I if any of the following apply:

- It is Academically Below the applicable State Average and it did not make its Growth Target, or
- It is Academically Above the applicable State Average and has a Growth Label of *School in Decline* or *No Growth*.

A school that enters Corrective Actions shall receive additional support and assistance, with the expectation that extensive efforts shall be made by students, parents,

teachers, principals, administrators, and the school board to improve student achievement at the school. There shall be three levels of Corrective Actions.

All schools in Corrective Actions I shall provide pertinent information to the Louisiana Department of Education concerning steps they have taken to improve student performance in order to document activities related to Corrective Actions I and in light of recent proposed changes in federal programs. This information shall be required on an annual basis.

Requirements for Schools in Corrective Actions I
<i>I. A Revised or New School Improvement Plan</i>
All Louisiana schools were required to have a School Improvement Plan in place by May of 1998. Those schools placed in Corrective Actions I shall be required to review and either revise or rewrite completely their plan, with the assistance of a District Assistance Team, and submit it to the Division of School Standards, Accountability, and Assistance. The plan shall contain the following essential research-based components:
a. a statement of the school's beliefs, vision, and mission;
b. a comprehensive needs assessment that shall include the following quantitative and qualitative data: <ul style="list-style-type: none"> • student academic performances on standardized achievement tests (both CRT and NRT) and performance/authentic assessment disaggregated by grade vs. content vs. exceptionality);

- demographic indicators of the community and school to include socioeconomic factors;
- school human and material resource summary, to include teacher demographic indicators and capital outlay factors;
- interviews with stakeholders: principals, teachers, students, parents;
- student and teacher focus groups;
- questionnaires with stakeholders (principals, teachers, students, parents) measuring conceptual domains outlined in school effectiveness/reform research;
- classroom observations;

c. measurable objectives and benchmarks;

d. effective research-based methods and strategies;

e. parental and community involvement activities;

f. professional development component aligned with assessed needs;

g. external technical support and assistance;

h. evaluation strategies;

i. coordination of resources and analysis of school budget (possible redirection of funds);

j. action plan with time lines and specific activities.

2. Assurance pages
Each school in Corrective Actions I shall be required to provide assurances that it worked with a District Assistance Team to develop its School Improvement Plan, and that the plan has the essential components listed above. Signatures of the team members shall also be required.

3. A quarterly Monitoring of the Implementation of the School Improvement Plan
District Assistance Teams shall assist schools in Corrective Actions I in monitoring the implementation of their School Improvement Plan. All schools in Corrective Actions I shall be required to submit to the Louisiana Department of Education a quarterly report on the implementation of their school improvement plan in paper and/or electronic format.

4. An Annual Evaluation of the Level of Implementation of the School Improvement Plan
This evaluation shall be required on an annual basis. The Louisiana Department of Education shall make every effort to see that the information is collected in a manner that shall be of assistance to the schools and that shall provide feedback to them as they strive to improve student achievement.

A school shall enter Corrective Actions Level II if:

- It is Academically Unacceptable.

A school shall remain in Corrective Actions Level II if:
It is Academically Unacceptable, made its Growth Target, and it was in Corrective Actions II the previous cycle.

Corrective Actions Level II: All schools in Corrective Actions II are labeled Academically Unacceptable. All schools in Corrective Actions II must adhere to the requirements of schools in Corrective Actions I; however, Corrective Actions II schools must submit to the Louisiana Department of Education a *Monthly Monitoring of the Implementation of the School Improvement Plan*.

Corrective Actions Level II: A highly trained Distinguished Educator (DE) shall be assigned to a school by the State. The DE shall work in an advisory capacity to help the school improve student performance. The DE shall make a public report to the school board of recommendations for school improvement. Districts shall then publicly respond to these recommendations. Parents shall have the right to transfer their child to a higher performing public school. (See Transfer Policy Standard #2.006.11.)

Corrective Actions Level II schools that do not attain at least 40% of their growth in the interim year shall provide State Approved Supplemental Service within 60 days of the release of the interim SPSs.

A school shall enter Corrective Actions Level III if:
It was in Corrective Actions Level II the previous cycle, and Academically Unacceptable and it did not make its Growth Target.

Corrective Actions Level III: The DE shall continue to serve the school in an advisory capacity. Parents shall have the right to transfer their child to a higher performing public school. (See Transfer Policy, Standard #2.006.11.) A district must develop a Reconstitution Plan for the school at the beginning of the first year in this level and submit the plan to the SBESE for approval by February.

If a Corrective Actions Level III school has not achieved at least 40% of its Growth Target at the end of the first year and SBESE has approved its Reconstitution Plan, then the school shall implement the Reconstitution Plan during the beginning of the next school year. If the SBESE does not approve the Reconstitution Plan AND a given school does not meet the required minimum growth, the school shall lose its State approval and all State funds.

Any reconstituted School's SPS and Growth Target shall be re-calculated utilizing data from the end of its previous year. The SBESE shall monitor the implementation of the Reconstitution Plan.

Movement in Corrective Actions

All schools that:

- Have a SPS ≥ 100.0 are exempt from Corrective Actions I, II, and III during the first ten years.
- Are not Academically Unacceptable and meet or exceed their Growth Targets shall exit Corrective Actions I.
- Have a SPS \geq the applicable State Average but < 100.0 must make some growth (0.1 pts) or enter/remain in Corrective Actions I.
- Are not Academically Unacceptable but have a SPS $<$ the applicable State Average must make their Growth Targets or enter/remain in Corrective Actions I.
- Are Academically Unacceptable shall enter in Corrective Actions Level II.
- Are Academically Unacceptable and make their Growth Targets, but remain Academically Unacceptable, shall remain in Corrective Actions II.
- Are Academically Unacceptable and did not make their Growth Targets, but remain Academically Unacceptable, shall enter Corrective Actions Level III.

Determination of Academically Unacceptable schools in 2003 shall be based on the higher of two School Performance Scores: one using an average of the 2001-02 and 2002-03 accountability data, and the other using the 2002-2003 accountability data only.

Corrective Actions Summary Chart

School Level Tasks

Level I

- 1) Utilize the State's diagnostic process or another process meeting State approval to identify needs; and
- 2) Work with District Assistance Team to develop/implement a consolidated improvement plan, including an integrated budget the process must include a) opportunities for significant parent and community involvement, b) public hearings, and c) at least two-thirds teacher approval

Level II

- 1) Continue to adhere to the requirements of Corrective Actions Level I schools;
- 2) Work with advisory Distinguished Educator, teachers, parents, and others to implement revised School Improvement Plan; and
- 3) Distinguished Educator works with principals to develop capacity for change

Level III

- 1) Continue to adhere to the requirements of Corrective Actions Level I schools;
- 2) Distinguished Educator continues to assist with improvement efforts and work with the advisory District Assistance Team and other district personnel to design that school's Reconstitution Plan or No State Approval/No State Funding.
- 3) If Reconstitution Plan is approved by the SBESE: a) implement Reconstitution Plan, and b) utilize data from the end of the previous year to re-calculate school performance goals and Growth Targets.
- 4) If Reconstitution Plan is not approved, no State approval/no State funding.

District Level Tasks

Level I

- 1) Create District Assistance Teams to assist schools;
- 2) Identify existing and additional assistance being provided by districts, such as funding, policy changes, and greater flexibility;
- 3) Reassign or remove school personnel as necessary as allowed by law; and
- 4) Ensure Academically Unacceptable schools receive at least their proportional share of applicable state, local, and federal funding.

Level II

- 1) Continue to help schools through the use of District Assistance Teams;
- Hold public hearing and respond to Distinguished Educator's written recommendations;
- 3) Response in writing submitted to SBESE by local boards no later than 45 days subsequent to receiving the Distinguished Educator's report. Failure to respond to these recommendations will result in the school receiving unapproved status and being ineligible to receive federal subgrantee assistance funds until such response is received;
 - 4) Reassign or remove personnel as necessary as allowed by law; and
- Notify parents of their right to send their children to another public schools no later than 120 days after a school is identified for Corrective Actions II for the subsequent year (Ref. 2.006.11); and
- Offer state approved supplemental services to students in schools that do not meet 40% of their Growth Targets no later than 60 days after the release of the interim year SPS.

Level III

- 1) Continue to help schools through the use of District Assistance Teams;
- 2) Continue notifying parents of students attending Academically Unacceptable Schools to send their children to other public schools;
- 3) Design Reconstitution Plan and submit to the SBESE by February; and
- 4) At the end of year one, one of the following must occur: a) schools must make adequate growth of at least 40% of the Growth Target b) the district implements the Reconstitution Plan approved by the SBESE; and c) the SBESE shall grant non-school approval status; and
- 5) Continue to offer state approved supplemental services.

Reconstitution or No State Approval/Funding
 If Reconstitution Plan is approved by the SBESE, provide implementation support.
 If the Reconstitution Plan is not approved, no State approval/no State funding.

State Level Tasks

Level I

- 1) Provide diagnostic process for schools;
- 2) Provide training for District Assistance Teams;

For some Academically Unacceptable Schools only, the SBESE shall assign advisory Distinguished Educators to schools; and

- 1) Work to secure new funding and/or redirect existing resources to help schools implement their improvement plans

Level II

- 1) Assign advisory Distinguished Educator to schools; and
- 2) Work to secure new funding and/or redirect existing resources to help schools implement their improvement plans

Level III

- 1) Assign advisory Distinguished Educator to schools for one additional year to assist in the development and design of the Reconstitution Plan;
- 2) At end of Year 1, the SBESE shall approve or disapprove Reconstitution Plans. If the SBESE approves the Reconstitution Plan, the Distinguished Educator is assigned an additional year to support and assist with monitoring the implementation of the Reconstitution Plan for schools that fail to make adequate growth;
- 3) If a school achieves the required amount of growth during its first year in Level III Corrective Action and proceeds to a second year in Level III, the Distinguished Educator will be assigned to the school for that additional year to support and assist the school in its continued improvements efforts; and
- 4) Work to secure new funding and/or redirect existing resources to help schools implement their improvement plans

Reconstitution or No State Approval/No Funding

- 1) If Reconstitution Plan is approved by the SBESE, a) monitor implementation of reconstitution plan; and b) provide additional state improvement funds; and
- 2) If Reconstitution Plan is not approved, no State approval/State funding

Reconstitution Plan

2.006.10 Districts shall develop and submit a Reconstitution Plan to the SBESE for approval for any school in Corrective Actions Level III during the first year in that level (by February). This Reconstitution Plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur and how/why these proposed changes shall lead to improved student performance.

If a Corrective Actions Level III school has not achieved at least 40% of its Growth Target and SBESE has approved

its Reconstitution Plan, then the school shall implement the Reconstitution Plan during the beginning of the next school year. If the SBESE does not approve the Reconstitution Plan and a given school does not meet the required minimum growth, the school shall lose State approval and all State funds.

School Choice

2.006.11 Parents shall have the right to transfer their child to another public school when the school in which their child is enrolled enters Corrective Actions II. This School choice is offered the following school year.

Beginning 2003-04, no later than 120 days after a school has been identified for Corrective Actions II, an LEA shall notify parents of their School Choice options for the following school year.

Transfers shall not be made to any school undergoing Corrective Actions Level II or Level III.

Upon parental request, districts shall transfer the child to the nearest acceptable school.

If no academically acceptable school in the district is available, the student may transfer to a neighboring district. Parents shall provide the transportation to the school. State dollars shall follow the child when such a transfer occurs.

Schools and districts may refuse to accept a student if there is insufficient space, if a desegregation order prevents such a transfer, or if the student has been subjected to disciplinary actions for behavioral problems.

An LEA must develop a policy for student transfers (School Choice Policy) for schools in Corrective Actions II and III. An LEA shall state its capacity for offering student transfers. The SBESE shall approve or disapprove an LEA's School Choice Policy.

An LEA shall declare *Lack of Capacity* when all of the attendance zones under its jurisdiction are unable to provide school choice to eligible students (i.e., desegregation order).

An LEA shall declare *Limited Capacity* when some students in some or all of the attendance zones under its jurisdiction may be provided school choice in an attendance zone (i.e., limited seating capacity in receiving schools).

An LEA declaring *Lack or Limited Capacity* shall request a waiver from the SBESE and shall submit the following with its waiver request:

- a description of the general transfer policy or desegregation order (See State's *Guidance on LEAs' Development of School Choice Policies for Public Schools in Louisiana*. Transfer policies must include:
 - 1) a method for determining transfer capacity or evidence of lack of capacity to transfer;
 - 2) transfer options for as many eligible students as possible in the Academically Unacceptable schools in Corrective Actions II or III to other Academically Acceptable schools;
 - 3) equal educational opportunities for all students eligible to transfer, including students with disabilities and Limited English Proficiency (LEP) and in compliance with all civil rights laws pertaining to eligible students;
 - 4) a method for selecting transfer students from the entire eligible student population in cases of *Limited Capacity* (i.e., lottery);
 - 5) a method for communicating to parents the option and wherewithal of School Choice;
 - 6) a method for maintaining a file for all communication involving all interested parties in School Choice;
 - 7) A method for providing transportation for transfer students; and
 - 8) A method for transferring student records, including assessment results and their interpretations.

If the SBESE determines that an LEA has demonstrated sufficient evidence of lack of or limited capacity to transfer, then the requesting LEA must submit the following information for the SBESE's approval:

- a description of the School/District Plan for those schools having to offer School Choice that addresses the following:
 - 1) Educator Quality
 - Principal Certification/Qualifications
 - Principal Leadership and Effectiveness
 - Teacher Qualifications/Certification
 - 2) Professional Development
 - To address teacher professional learning based on student data
 - To address uncertified/inexperienced teacher professional learning if certified/experienced teachers are unavailable for placement in the school
 - 3) Alignment of Curriculum, Instruction and Assessment with State Content Standards;
 - 4) Teacher/Pupil Ratio;
 - 5) Early Intervention/Remediation Programs;
 - 6) Time on Task/Extended Learning Opportunities;
 - 7) Parental Involvement; and
 - 8) Discipline/Safety/Health Issues;
 - 9) Renovation/Capital Improvement.

If the SBESE approves an LEA's School Choice Policy, the LEA must comply with the following conditions:

- 1) The LEA must submit a quarterly status report to the SBESE regarding the implementation and progress of the district's School Choice policy.
- 2) The LEA's School Choice Policy will be reviewed, re-evaluated, and subject to amendment or revision annually, all at the discretion of the SBESE.
- 3) The LEA must formally approve (and provide to the SBESE written proof thereof) the following:
 - a. the implementation of the School Choice Policy submitted to the SBESE; and
 - b. the assurance that as a part of its approval of the School Choice Policy the Superintendent (or interim Superintendent), or his/her designee, shall be the sole decision maker with regard to the assignment, removal, or replacement of all personnel involved, directly or indirectly, in the administration and implementation of the School Choice policy including personnel in the central office and relevant schools covered by the plan.
- 4) In the event that the LEA uses preliminary data supplied by the LDE or testing contractor and determines in good faith that a school is not required by state or federal law to provide choice to students, but final School Performance Scores (as determined by the LDE) would require the school provide choice, the LEA shall provide choice (in accordance with the provisions of the approved School Choice Plan) at the end of the school year in which the final SPS are determined by the LDE.

If the SBESE fails to approve an LEA's School Choice Plan, the implicated schools will lose their School Approval status.

Progress Report

2.006.12 The SBESE shall report annually on the State's progress in reaching its 10- and 20-Year Goals. The Louisiana Department of Education shall publish individual school reports to provide information on every school's performance. The school reports shall include the following information: School Performance Scores and school progress in reaching Growth Targets. Beginning fall 2002, the LDE shall report subgroup performance to schools for the following subgroups: Poverty, Special Education, Ethnicity (White, Black, Hispanic, Asian/Pacific Islander,

American Indian/Alaskan Native), and Limited English Proficient (LEP).

* * *

Interested persons may submit written comments until 4:30 p.m., January 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weggie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741C Louisiana Handbook
for School Administrators C Policy for Louisiana's
Public Education Accountability System**

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

There are no estimated implementation costs (savings) to state governmental units. The proposed changes more clearly explain and refine the existing policy as it pertains to the changes in the criterion-referenced test (CRT) labeling system, the process for schools entering/progressing into Corrective Actions, the process for offering School Choice to students enrolled in Academically Unacceptable schools, the requirement of offering state approved supplemental services to students enrolled in Corrective Actions Level II and III schools, and the reporting of subgroup performance.

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

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

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

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

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be no effect on competition and employment.

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

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1965C English Language Arts Content Standards
(LAC 28:LXIII.Chapters 1-7)

Editor's Note: Bulletin 1965 has been moved to Part LXIII of Title 28 and is printed in its entirety to show the new codification.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revision of Bulletin 1965, *Louisiana English Language Arts Content Standards*, referenced in LAC 28:I.930.E, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The *Louisiana English Language Arts Content Standards* will be disseminated to local school districts following publication. Implementation of the changes to the wording in the standards and benchmarks clarify and strengthen the standards and benchmarks used to guide curriculum development. The revisions to the *Louisiana English Language Arts Content Standards* strengthen the content and add clarity to the document without affecting the integrity of the assessment instruments.

**Title 28
EDUCATION**

**Part LXIII. English Language Arts Content Standards
Chapter 1. Standard One**

§101. General Provisions

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

B. Focus. As students move through the stages of reading development from emergent literacy to fluent, strategic reading, they learn to draw upon their prior experiences, their interactions with other readers and writers, their knowledge of word meaning and of other texts, their word identification strategies, and their understanding of textual features (e.g., semantic, syntactic, graphophonic). Students need to learn how to vary their approaches according to the type of text (e.g., written, spoken, or visual, including formal, informal, literary, and practical), their purpose in reading, and their own knowledge and experiences. Therefore, students should read for a variety of purposes and within a variety of contexts in order to become proficient and knowledgeable readers. Discovering various purposes and exploring and studying different kinds of texts will enable students to become lifelong readers and productive members of society and the workplace.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§103. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-1-E1C Gaining meaning from print and building vocabulary using a full range of strategies (e.g., self-monitoring and correcting, searching, cross-checking), evidenced by reading behaviors while using phonemic awareness, phonics, sentence structure, meaning (1, 4)

2. ELA-1-E2C Using the conventions of print (e.g., left-to-right directionality, top-to-bottom, one-to-one matching, sentence framing) (1, 4)

3. ELA-1-E3C Adjusting speed of reading (e.g., appropriate pacing, intonation, expression) to suit the difficulty of materials and the purpose for reading (e.g., enjoying, learning, problem solving) (1, 4)

4. ELA-1-E4C Recognizing story elements (e.g., setting, plot, character, theme) and literary devices (e.g., simile, dialogue, personification) within a selection (1,4)

5. ELA-1-E5C Reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., range for fiction passages -450-1,000 words; range for nonfiction-450-850 words) (1, 3, 4)

6. ELA-1-E6C Interpreting (e.g., retelling, summarizing) texts to generate connections to real-life situations (1, 2, 4)

7. ELA-1-E7C Reading with fluency (natural sequencing of words) for various purposes (e.g., enjoying, learning, problem solving) (1, 2, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§105. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-1-M1C Using knowledge of word meaning and developing basic and technical vocabulary using various strategies (e.g., context clues, idioms, affixes, etymology, multiple-meaning words) (1, 4)

2. ELA-1-M2C Interpreting story elements (e.g., mood, tone, style)* and literary devices (e.g., flashback, metaphor, foreshadowing, symbolism)* within a selection (1, 4)

3. ELA-1-M3C Reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., ranging from 500-1,000 words) (1, 3, 4)

4. ELA-1-M4C Interpreting (e.g., paraphrasing, comparing, contrasting) texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific) (1, 2, 4, 5)

5. ELA-1-M5C Adjusting reading rate according to texts and purposes for reading (e.g., problem solving, evaluating, researching)* (1, 2, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§107. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-1-H1C Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., contexts, connotations and denotations, word derivations, relationships, inferences) (1, 4)

2. ELA-1-H2C Analyzing and evaluating the effects of complex elements and complex literary devices (e.g., irony, sarcasm, ambiguity)** on the meaning and purpose of a selection (1, 2, 4)

3. ELA-1-H3C Reading, comprehending, and responding to extended, complex, written, spoken, and visual texts (e.g., ranging from 600-1,500 words) (1, 2, 3, 4)

4. ELA-1-H4C Analyzing and evaluating complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., consumer materials, public documents) (1, 2, 4, 5)

5. ELA-1-H5C Adjusting reading rate according to texts and purposes for reading (e.g., analyzing, synthesizing, evaluating)** (1, 2, 4)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 2. Standard Two

§201. General Provisions

A. Standard Two. Students write competently for a variety of purposes and audiences.

B. Focus. Writing is a flexible, recursive process that requires an awareness of purpose and audience, an ability to draw on prior experience, and a knowledge of various approaches. To attain the necessary skills to create written text, students should engage in frequent, meaningful writing activities. As students use different strategies and modify their writing for various purposes and audiences, they become competent in communicating in real-life situations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§203. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-2-E1C Drawing, dictating and writing compositions that clearly state or imply a central idea with supporting details in a logical, sequential order (beginning, middle, end) (1, 4)

2. ELA-2-E2C Focusing on language (vocabulary), concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing compositions (1, 2, 4)

3. ELA-2-E3C Creating written texts using the writing process (1, 4)

4. ELA-2-E4C Using narration, description, exposition, and persuasion to develop compositions (e.g., stories, letters, poems, logs) (1, 4)

5. ELA-2-E5C Recognizing and applying literary devices (e.g., figurative language) (1, 4)

6. ELA-2-E6C Writing as a response to texts and life experiences (e.g., journals, letters, lists) (1, 2, 4)

AUTHORITY NOTE:

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§205. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-2-M1C Writing multiparagraph compositions (150-200 words) that clearly imply a central idea with supporting details in a logical, sequential order (1, 4)

2. ELA-2-M2C Using language, concepts, and ideas that show an awareness of intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4)

3. ELA-2-M3C Identifying and applying the steps of the writing process (1, 4)

4. ELA-2-M4 Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, essays)* (1, 4)

5. ELA-2-M5C Identifying and applying literary devices (e.g., symbolism, dialogue)* (1, 4)

6. ELA-2-M6C Writing as a response to texts and life experiences (e.g., personal and business letters)* (1, 2, 4)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§207. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-2-H1C Writing compositions (250-300 words) that employ specific organizational elements (e.g., spatial order, order of importance, ascending/descending order, chronological order) and clearly imply a central idea with supporting details in a logical, sequential order (1, 4)

2. ELA-2-H2C Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4)

3. ELA-2-H3C Applying the steps of the writing process, emphasizing revising and editing in final drafts (1, 4)

4. ELA-2-H4C Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., editorials, critical analyses)** (1, 4)

5. ELA-2-H5C Applying literary devices And various stylistic elements (e.g., diction, sentence structure, voice, tone)** (1, 4)

6. ELA-2-H6C Writing as a response to texts and life experiences (e.g., technical writing, resumes)** (1, 2, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 3. Standard Three

§301. General Provisions

A. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

B. Focus. Communication is dependent on the practical application of standard English to real-life situations. Students need to be able to apply the knowledge of the systems and structures of standard English in order to develop, discuss, and critique various texts. When students connect the study of grammar and language patterns to written, spoken, and visual compositions, they begin to incorporate these skills into their own working knowledge and ensure that the texts that they create are well received and understood.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-3-E1C Writing legibly, allowing margins and correct spacing between letters in a word and words in a sentence (1, 4)

2. ELA-3-E2C Demonstrating use of punctuation (e.g., comma, apostrophe, period, question mark, exclamation mark), capitalization, and abbreviations in final drafts of writing assignments (1, 4)

3. ELA-3-E3C Demonstrating standard English structure and usage by writing clear, coherent sentences (1, 4)

4. ELA-3-E4C Using knowledge of the parts of speech to make choices for writing (1, 4)

5. ELA-3-E5C Spelling accurately using strategies (e.g., letter-sound correspondence, hearing and recording sounds in sequence, spelling patterns, pronunciation) and resources (e.g., glossary, dictionary) when necessary (1, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-3-M1C Writing fluidly and legibly in cursive or printed form (1, 4)

2. ELA-3-M2C Demonstrating use of punctuation (e.g., colon, semicolon, quotation marks, dashes, parentheses), capitalization, and abbreviations (1, 4)

3. ELA-3-M3C Demonstrating standard English structure and usage by using correct and varied sentence types (e.g., compound and compound-complex) and effective personal styles (1, 4, 5)

4. ELA-3-M4C Demonstrating understanding of the parts of speech to make choices for writing (1, 4)

5. ELA-3-M5C Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary (1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§307. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-3-H1C writing fluidly and legibly in cursive or printed form (1, 4)

2. ELA-3-H2C Using the grammatical and mechanical conventions of standard English (1, 4, 5)

3. ELA-3-H3C Spelling accurately using strategies and resources (e.g., technical glossary, specialized dictionary) when necessary (1, 3, 4)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 4. Standard Four

§401. General Provisions

A. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

B. Focus. Communication is dependent on the interpersonal skills of speaking and listening and on the ability to work collaboratively with different people. Since information can be conveyed in various ways (e.g., between persons or groups, between persons and technological mechanisms, or between mechanisms), students need to understand the communication process: the concepts of sender and receiver, the ability to track communication breakdowns, recognition of verbal and nonverbal cues, and the art of follow-through. Understanding the communication

process and applying this understanding to different audiences, purposes, and contexts will enable students to achieve effective communication in real-life situations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§403. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-4-E1C Speaking intelligibly, using standard English pronunciation (1, 4)

2. ELA-4-E2C Giving and following directions/procedures (1, 4)

3. ELA-4-E3C Telling or retelling stories in sequence (1, 4)

4. ELA-4-E4C Giving rehearsed and unrehearsed presentations (1, 4)

5. ELA-4-E5C Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5)

6. ELA-4-E6C Listening and responding to a wide variety of media (e.g., music, TV, film, speech) (1, 3, 4, 5)

7. ELA-4-E7C Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader) (1, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§405. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-4-M1C Speaking intelligibly, using standard English pronunciation and diction (1, 4)

2. ELA-4-M2C Giving and following directions/procedures (1, 4)

3. ELA-4-M3C Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving rehearsed and unrehearsed presentations (1, 2, 4)

4. ELA-5-M4C Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5)

5. ELA-4-M5C Listening and responding to a wide variety of media* (1, 3, 4, 5)

6. ELA-4-M6C Participating in a variety of roles in group discussions (e.g., facilitator, recorder)* (1, 4, 5)

* Inclusive of K-4 examples

** inclusive of k-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§407. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-4-H1C Speaking intelligibly, using standard English pronunciation and diction (1, 4)

2. ELA-4-H2C Giving and following directions/procedures (1, 4)

3. ELA-4-H3C Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations (1, 2, 4)

4. ELA-4-H4C Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5)

5. ELA-4-H5C Listening and responding to a wide variety of media (e.g., CD-ROM)** (1, 3, 4)

6. ELA-4-H6C Participating in a variety of roles in group discussion (e.g., mediator)** (1, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 5. Standard Five

§501. General Provisions

A. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

B. Focus. The information and technology age demands multifaceted approaches to accessing facts, images, and text from an array of information sources (e.g., libraries, electronic data, audio and video materials). The vast amount of available sources includes the reading and retrieval of information through the use of technology. The ability to identify topics, to gather information, and to evaluate, assemble, and interpret findings from an assortment of sources is one of the most essential real-life skills that students need in order to acquire and communicate knowledge in a rapidly changing world.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-5-E1C Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of a text, alphabetizing, captions, legends, pull-down menus, keyword searches, icons, passwords, entry menu features) (1, 3, 4)

2. ELA-5-E2C Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials) (1, 3, 4, 5)

3. ELA-5-E3C Locating, gathering, and selecting information using graphic organizers, simple outlining, note taking, and summarizing to produce texts and graphics (1, 3, 4)

4. ELA-5-E4C Using available technology to produce, revise, and publish a variety of works (e.g., book reviews, summaries, short research reports) (1, 3, 4)

5. ELA-5-E5C Giving credit for borrowed information by telling or listing sources (1, 4)

6. ELA-5-E6C Recognizing and using graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps) (1, 2, 3, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-5-M1C Identifying and using organizational features of printed text, other media, and electronic information (e.g., microprint, CD-ROM, e-mail)* (1, 3, 4)

2. ELA-5-M2C Integrating information sources* (1, 3, 4, 5)

3. ELA-5-M3C Locating, gathering, and selecting information using formal outlining, paraphrasing, interviewing, and surveying to produce documented texts and graphics* (1, 3, 4)

4. ELA-5-M4C Using available technology to produce, revise, and publish a variety of works (e.g., documented research reports, investigative reports, annotated bibliographies)* (1, 3, 4)

5. ELA-5-M5C Citing references using various formats (e.g., endnotes, bibliography)* (1, 4)

6. ELA-5-M6C Identifying and interpreting graphic organizers (e.g., flowcharts, timelines, tree diagrams)* (1, 2, 3, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-5-H1C Evaluating and using organizational features of printed text, other media, and electronic information (e.g., citations, endnotes, bibliographic references)** (1, 3, 4)

2. ELA-5-H2C Synthesizing information sources** (1, 3, 4, 5)

3. ELA-5-H3C Accessing information and conducting research using a variety of primary and secondary sources to produce formal papers** (1, 2, 3, 4)

4. ELA-5-H4C Using available technology to produce, revise, and publish a variety of works (e.g., abstracts, analytical reports, summative research)** (1, 3, 4, 5)

5. ELA-5-H5C Citing references using various formats (e.g., parenthetical citations, annotated bibliographies)** (1, 4)

6. ELA-5-H6C Analyzing and synthesizing graphic organizers (e.g., organizational charts, concept maps, comparative tables)** (1, 2, 3, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 6. Chapter Six

§601. General Provisions

A. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

B. Focus. Literature is a record of life experiences as set forth in various writings (e.g., history, novels, poetry, science fiction, essays, news articles, logs). The study of literary texts recognizes characteristics of enduring literature, discovers and reviews the elements of various genres, identifies diverse perspectives, and distinguishes cultural traditions. The study of literature and writers of the United States and throughout the world gives students an appreciation of other cultures in a global society. Through a comprehensive literature program, students learn to make connections between literary texts and their own lives, to develop their own perspectives, and to analyze different viewpoints toward events, circumstances, and issues in our complex society.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§603. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-6-E1C Recognizing and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5)

2. ELA-6-E2C Recognizing and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., folktales, legends, myths, biography, autobiography, poetry, short stories) (1, 4)

3. ELA-6-E3C Identifying and distinguishing key differences of various genres (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§605. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following.

1. ELA-6-M1C Comparing/contrasting and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5)

2. ELA-6-M2C Identifying, comparing, and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., novels, drama)* (1, 2, 4, 5)

3. ELA-6-M3C Classifying and interpreting various genres according to their unique characteristics (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§607. Benchmarks 9-12

A. As students in grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-6-H1C Analyzing, evaluating, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 2, 4, 5)

2. ELA-6-H2C Analyzing and evaluating distinctive elements (e.g., recurrent themes, historical significance, literary techniques) of ancient, American, British, and world literature (1, 2, 4, 5)

3. ELA-6-H3C Analyzing, and synthesizing a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., epics)** (1, 2, 4, 5)

4. ELA-6-H4C Analyzing and responding to various genres as records of life experiences (1, 2, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Chapter 7. Standard Seven

§701. General Provisions

A. Standard Seven. Students apply reasoning and problem solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

B. Focus. Students use language daily to solve problems and deal with issues surrounding them. In order to respond effectively to these situations, students need to use the English Language Arts clearly, fluently, strategically, critically, technologically, and creatively. Students should use reasoning skills as they pose questions, plan, predict, investigate, hypothesize, speculate, and communicate about issues they encounter in academic subjects as well as in everyday life.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following.

1. ELA-7-E1C Using comprehension strategies (e.g., sequencing, predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas) to interpret oral, written, and visual texts (1, 2, 4)

2. ELA-7-E2C Using basic reasoning skills, life experiences, and available information to solve problems in oral, written, and visual texts (1, 2, 4)

3. ELA-7-E3C Recognizing an author's purpose (reason for writing), and viewpoint (perspective) (1, 2, 4)

4. ELA-7-E4C Using basic reasoning skills to distinguish fact from opinion, skim and scan for facts, determine cause and effect, generate inquiry, and make connections with real-life situations (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what students know and are able to do includes the following.

1. ELA-7-M1C Using comprehension strategies (e.g., summarizing, recognizing literary devices, paraphrasing)* to analyze oral, written, and visual texts (1, 2, 4)

2. ELA-7-M2C Using reasoning skills (e.g., categorizing, prioritizing),* life experiences, accumulated

knowledge, and relevant available information resources to solve problems in oral, written, and visual texts (1, 2, 4)

3. ELA-7-M3C Interpreting the effects of an author's purpose (reason for writing) and viewpoint (perspective) (1, 2, 4)

4. ELA-7-M4C Using inductive and deductive reasoning skills across oral, written, and visual texts* (1, 2, 4, 5)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

§707. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following.

1. ELA-7-H1C Using comprehension strategies (e.g., synthesizing, critiquing)** to evaluate oral, written, and visual texts (1, 2, 4)

2. ELA-7-H2C Using reasoning skills (e.g., analyzing evaluating),** incorporating life experiences, and using available information resources to solve problems in complex oral, written, and visual texts (1, 2, 4, 5)

3. ELA-7-H3C Analyzing and evaluating the effects of an author's life, culture, and philosophical assumptions as reflected in the author's viewpoint (perspective) (1, 2, 4, 5)

4. ELA-7-H4C Using analytical reasoning skills in a variety of complex oral, written, and visual texts** (1, 2, 4, 5)

* Inclusive of K-4 examples

** Inclusive of K-8 examples

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:

Interested persons may submit written comments until 4:30 p.m., January 9, 2003, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 1965C English Language Arts Content Standards**

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

The implementation of the revisions to the Louisiana English Language Arts Content Standards will cost the state Department of Education approximately \$3810.00 for preparing and disseminating these revisions. The revisions clarify the standards and more closely align them with the national standards.

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

There is no effect on revenue collections of state or local government units.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There are no effects on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0211#069

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Scholarship/Grant Programs
(LAC 28:IV.703, 1103, 1705, and 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend 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).

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

The text of this Notice of Intent may be viewed in the Emergency Rule portion of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., December 20, 2002, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Scholarship/Grant Programs

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No additional costs are anticipated to result from these changes. The revisions clarify and expand text.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is anticipated to result from these Rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition and employment is anticipated to result from this Rule.

George Badge Eldredge
General Counsel
0211#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Board of Cosmetology**

Cosmetology Complete Revision
(LAC 46:XXXI.Chapters 1-17)

The State Board of Cosmetology, under authority of R.S. 37:561-607, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby intends to repeal and adopt certain Rules with regard to licensing of cosmetologists.

The revision is necessitated by Act 907 of 2001 which revised the Louisiana Cosmetology Act.

There should be no adverse fiscal impact on the state as a result of this Rule inasmuch as the Louisiana State Board of Cosmetology operates solely on self-generated funds. Further, the proposed Rules have no known impact on family formation, stability or autonomy as described in R.S. 49:972.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXI. Cosmetologists

Chapter 1. General Provisions

§101. Definitions

A. As used in this Part, the following words shall have the meaning herein ascribed to each, unless the context clearly indicates otherwise.

Alternative Hair Design the practice of styling hair by twisting, wrapping weaving, extending, locking or braiding the hair by either the use of hands or mechanical devices or appliances. The practice of alternative hair design shall include the application of antiseptics, powders, oils, clays, lotions or tonics to the alternative hair but shall not include the application of dyes, reactive chemicals or other preparations to alter the structure or style of the natural hair.

Alternative Hair any hair which is not a person's own hair including synthetic hair, wiggery, braids, postich or any applied hair.

Client a person who receives a cosmetology, esthetics or manicuring service.

Dermis underlying or inner layer of the skin; the layer below the epidermis; the corium or true skin, including papillary layer, capillaries, tactile corpuscles, melanin (pigment), subcutaneous tissue, adipose or subcutis, arteries and lymphatics.

Epidermi the outermost layer of the skin; the outer epithelial portion of the skin including stratum corneous, stratum lucidum, stratum granulosum, stratum spinosum (prickle cell layer), stratum mucosum, and stratum germinativum.

Exfoliate or Exfoliation the process of sloughing off, removing or peeling dead skin cells of the epidermis using chemicals or devices.

Disposable an item which cannot be sanitized. All disposable items shall be discarded after a single use. The

following items shall be considered disposable: facial tissues, sponges, cloths, extraction tissue, lancets, gloves, wax strips and sticks, tissues, cotton pads and emery boards.

Natural Hair—Any hair which is a person's own which has grown on the person's body and has not been separated from the person's body.

Sanitize or Sanitization—the process of using heat, steam or chemicals to destroy microbial life, including highly resistant bacterial endospores. Sanitization shall be performed using EPA registered hospital grade disinfectant or a sterilization device which uses heat or steam in accordance with the manufacturer's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Louisiana State Board of Cosmetology, LR 29:

Chapter 3. Schools and Students

§301. Cosmetology Course Requirements

A. Curriculum. The cosmetology curriculum shall consist of at least 1500 hours of instruction which shall include but not be limited to:

1. Scientific Concepts:
 - a. Infection Control;
 - b. OSHA Requirements;
 - c. Human Physiology;
 - d. Chemical Principles;
 - e. Hair and Scalp;
 - f. Nails;
2. Physical Services:
 - a. Shampoo;
 - b. Draping;
 - c. Rinses and Conditioners;
 - d. Scalp;
 - e. Facials;
 - f. Makeup;
 - g. Manicuring;
3. Chemical Services:
 - a. Hair Coloring;
 - b. Hair Lightening;
 - c. Chemical Waving;
 - d. Chemical Relaxing;
4. Hair Designing:
 - a. Hair Shaping;
 - b. Hair Cutting;
5. Louisiana Cosmetology Act and Rules and Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§303. Esthetics Course Requirements

A. Curriculum. The esthetics curriculum shall consist of at least 750 hours of instruction which shall include but not be limited to:

1. Scientific Concepts:
 - A. Sanitation and Sterilization;
 - B. Human Physiology and Anatomy;
 - C. Skin Histology;
 - D. Skin Diseases and Disorders;
 - E. Nutrition;
 - F. General Chemistry;
2. Services:
 - A. Skin Analysis;

- B. Draping;
- C. Product Selections;
- D. Cleansing Procedure;
- E. Selecting and Employing Massage;
- F. Selecting and Employing Mask Therapy;
- G. Electricity and Various Electrical Apparatus;
- H. Hair Removal;
- I. Hazards to Skin;
- J. Aromatherapy;
- K. Spa;
- L. Makeup;

3. Louisiana Cosmetology Act and Rules and Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§305. Manicuring Course Requirements

A. Curriculum. The manicuring curriculum shall consist of at least 500 hours which shall include but not be limited to the following.

1. Scientific Concepts
 - a. Basic Human Physiology
 - b. Nail Composition
 - c. Chemistry
 - d. Sanitizing and Sterilizing
2. Procedures
 - a. Supplies and Implements
 - b. Artificial and Natural Nail Technology
 - c. Manicure
 - d. Pedicure
 - e. Basic Massage
3. Application and Repair of Artificial and Natural Nails
4. Safety and Infection Control
5. Louisiana Cosmetology Act and Rules and Regulations

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§307. Instructor Course Requirements

A. Curriculum. The curriculum for cosmetology instructors, esthetics instructors and manicuring instructors shall consist of at least 500 hours and shall include but not be limited to the following.

1. Teaching Methods
 - a. Classroom Preparation
 - b. Teaching Methods
 - c. Speech
2. Effectiveness of Instruction
 - a. Purpose and Types of Tests
 - b. Selection of Appropriate Testing Methods
 - c. Validity and Reliability of Teaching Methods via Tests
3. Instructor Qualities
 - a. Proper Conduct of Instruction
 - b. Classroom Supervision and Control
4. Learning Environment
 - a. Classroom Conditions
 - b. Keeping Record
 - c. Motivation
 - d. Assessing Students' Needs

e. Utilization of Safety Procedures

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§309. Examination of Applicants

A. Eligibility. The following persons shall be eligible to take the written and practical examinations after receiving a clearance from the school last attended and a clearance from the board:

1. cosmetology students who have completed 1500 hours and 36 weeks of the cosmetology curriculum; however, cosmetology students who have completed 1000 hours of the cosmetology curriculum may take the written examination;
2. esthetics students who have completed 750 hours of the esthetics curriculum;
3. manicuring students who have completed 500 hours of the manicuring curriculum.
4. instructor students who have completed 500 hours of the instructor curriculum;
5. persons holding a cosmetology, esthetics, manicuring or instructor license issued by another state; and
6. persons holding a cosmetology, esthetics, manicuring or instructor license issued by another country who have received board approval.

B. Applications. Applications for examinations must be accompanied by a student registration certificate, a photograph of the student, and the \$25.00 initial license fee.

C. Fees. All fees contractually owed by an applicant to a cosmetology school from which they graduated must be paid before applying for an examination, for a certificate of registration or for a license.

D. Cancellation. Any student who fails to appear for their scheduled examination without proper notification will be required upon reapplication to submit a \$25.00 administrative fee. Proper notification shall be made by contacting the board office seven days prior to the scheduled examination or in the case of an emergency 24 hours prior to the scheduled examination.

E. Examination. Students must bring a mannequin with the head styled for comb-out to the examination. Students will be required to perform further practical work on the mannequin during the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(4) and R.S. 37:586.

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§311. Reporting Student Hours

A. Registration. Schools shall register students with the board within 60 days after the students start school. The maximum number of hours which will be accepted by the board at the time of registration is the number of hours earned within 60 days preceding registration.

B. Hours. Schools must register each student's hours with the board in the following manner:

1. at the completion of 1,000 hours (2/3 of curriculum) and completion of the curriculum for cosmetology students;
2. at the completion of the curriculum for esthetics students;
3. at the completion of the curriculum for manicuring students; and

4. at the completion of the curriculum for instructor students.

C. Attendance. School owners must certify the student's attendance for hours reported to the board. No overtime or double time shall be permitted. Only hours devoted to the prescribed curriculum shall be included. Students shall not earn more than 48 hours of training in any calendar week.

D. Reports. The hour report submitted by the school to the board shall be signed by the senior instructor, or in the absence of the senior instructor, the report shall be signed by the person in charge, who shall designate his capacity as acting senior instructor. The report shall include a list of the current instructors.

E. Dropped Students. Schools are required to provide to the board the names of the students who drop from their rolls within 30 days and to provide the number of hours earned during the student's attendance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:598.

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§313. Transfer Students

A. Out-of-State. The board will accept student hours certified by an out-of-state school provided that the hours are transferred to a Louisiana school. The Louisiana school shall evaluate the student's transcript and determine how many hours of the curriculum have been completed by the student. The school shall submit to the board a verification of the number of transferable hours which shall include supporting data, a certificate from the out-of-state school and a certificate from the state board which supervises the school.

B. In-State. When enrolling a transfer student from another school within Louisiana, the school owner must provide the board with the following:

1. student enrollment application indicating on the application that it is a re-registration;
2. certification of payment of contractual fees owed to the former school; and
3. if the student has transferred schools more than once, a re-registration fee of \$10 must accompany the application.

C. Notice of Termination. Any students transferring hours from one school to another is required to submit a Notice of Termination Form within 30 days of student's drop-out date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:598(A)(4).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§315. Responsibilities of Schools

A. Enrollment. Upon enrollment of a student the school must provide the following to the board:

1. student enrollment application;
2. the student's birth certificate, birth card or driver's license;
3. proof of completion of education equal to the tenth grade;
4. a photograph of the student; and
5. the student registration fee.

B. Reports. Schools must maintain hour reports for a minimum of three years.

C. Mannequin. Schools must furnish to each student, at a nominal fee, a mannequin upon which the student may practice and may use for the practical examination.

D. Professional Department. Schools shall not have professional departments within the school, nor shall any school owner own or operate a beauty shop or salon in connection with a school. School staff members shall not practice in an adjoining beauty shop or salon, while school is in session. There shall be no unsealed connecting doors between a beauty shop or salon under the same roof.

E. Faculty. All schools must maintain a faculty of at least one instructor per every 20 students enrolled. Each faculty shall include a senior instructor who shall have at least 18 months teaching experience in an accredited school of cosmetology. The senior instructor shall supervise all other faculty members.

F. Senior Instructor. In the event that the senior instructor resigns or takes a leave of absence, the school shall advise the board monthly of their efforts to employ a new senior instructor.

G. School Closing. Any school owner which intends to close any school shall notify the board in writing as soon as practicable. Copies of documents relative to closure must be provided to the board office, including, but not limited to, teach-out plans and teach-out agreements. The board shall be the custodian of records for any school which closes.

H. Student Work. Schools shall post a legible sign not smaller than 6" x 10", at the entrance of each school reading: "Student Work Only".

I. Compensation. Schools shall not pay commissions or any other compensation, discount or fee to a cosmetology, esthetics or manicuring student for work in training done by them.

J. Registrations. All student registrations must be posted in a conspicuous place.

K. Text Books. Schools must provide a textbook to each student upon registration.

L. Library. Schools must maintain a library which shall be available to all students.

M. Hours. Schools must post a monthly summary of hours earned by each student.

N. Cosmetology Services. No employee or owner of a school shall knowingly permit students to perform any professional cosmetology work for which they do not possess a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§317. Equipment Required in Cosmetology Schools

A. Equipment. Every cosmetology school must have a practical work room and working equipment including:

1. six shampoo bowls;
2. six hair dryers;
3. three manicuring tables;
4. cold wave equipment sufficient for six permanents;
5. sufficient trays for supplies;
6. covered waste containers sufficient to maintain sanitation in the school;
7. one wet and dry sanitizer for each occupied station;
8. six mannequins;
9. twenty working stations;
10. covered containers for soiled towels; and

11. locker space for each student.

B. Classroom. Every cosmetology school must have a classroom with a minimum of 400 square feet, entirely separate from the practical work room, equipped with the following:

1. modern anatomy charts;
2. marker or chalk board, minimum 4 feet by 6 feet; and
3. sufficient seating with facilities for classroom work, such as taking notes.

C. Use of Rooms. The area designated for classrooms or practical work rooms shall not be used for any other purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:595(A)(1).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§319. Field Trips; Seminars; Workshops; Shows and Community Service

A. Schools are permitted but not required to offer to their students an opportunity to earn credit hours for cosmetology related field trips, seminars, workshops, shows and community service as follows:

1. up to 40 hours for cosmetology students;
2. up to 15 hours for manicuring students;
3. up to 20 hours for esthetics students; and
4. up to 20 hours for instructor students.

B. Documentation. In order for students to receive credit for cosmetology related field trips, seminars, workshops, shows or community service, the school must annotate the course outlines to reflect the maximum hours which may be earned. Example: Cosmetology Course Outline-40 hours during the length of the course are assigned to cosmetology-related field trips, seminars, workshops and community service.

C. Participation. Participation in field trips, seminars, workshops, shows or community service by students is voluntary. Students who choose not to participate must be given other related assignments.

D. Monitoring. An instructor must accompany students on any field trip. Attendance shall be monitored at the beginning, midpoint and close of the function and documented by the instructor. Travel time shall not be included in the hours credited for the field trip.

E. Documentation. Schools must retain documentation of field trips, seminars, workshops, shows and community service hours.

F. Compensation. No school or student shall accept any compensation for cosmetology related field trips, seminars, workshops, shows or community service. All money collected for community service must be paid to the charity for which the function was sponsored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§321. Responsibilities of Students

A. Students. Students, shall not be allowed to perform any professional cosmetology work for which the student does not possess a license, prior to completion of the curriculum passing the examination administered by the board and receipt of an initial license. Any student found to be in violation of this rule will forfeit all hours completed in

beauty school and any school knowingly permitting a serious violation of this section shall be subject to suspension or revocation of its license.

B. Services. Students attending beauty school shall not provide cosmetology services whether for a fee or not in any licensed beauty salon or shop or in any premises which is not licensed unless the student possesses a license to perform such services. This regulation applies even though the student's immediate family or the student themselves has an ownership interest in the beauty shop salon in question, or jeopardy of the student losing a portion of or all their hours.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Louisiana State Board Cosmetology, LR 29:

Chapter 5. Licensees

§501. Booth Renters (Formerly LAC 46:XXXI.1103)

A. Agreement. A copy of the executed agreement between the salon owner and the cosmetologist shall be submitted to the board at the time of application for a booth rental permit.

B. Form. The board will furnish a contractual agreement form for a nominal fee. In the event an agreement is not on the form supplied by the board, the agreement shall contain the following information:

1. a statement indicating that both parties agree that the cosmetologist is not an employee of the salon;
2. a statement indicating the salon owner has no right to control the methodology used by the cosmetologist to produce a given result; and
3. a statement indicating the basis of the cosmetologist's compensation.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:592.

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§503. School Licenses Issued to Legal Entities

A. School License. Any corporation, association, partnership or other legal entity applying for a license to operate a school shall provide the following to the board:

1. the name and address of each place of business maintained by the entity in the state of Louisiana;
2. a financial statement;
3. the articles of incorporation, articles of organization, partnership agreement or other organizational documentation;
4. the names, addresses and percentage interest of each partner, member or stockholder, for the purpose of this subsection a landlord or lessor of equipment paid a percentage exceeding 20 percent shall be considered an owner or partner; and
5. the name and address of individual managing officer or partner.

B. Ownership change. A change of ownership of 35 percent or greater shall require submission of all information required by Subsection A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§505. Master Cosmetology Instructors

A. Gold Stamp. Any instructor who completes 16 hours of approved continuing education each year shall receive a gold stamp on his or her license.

B. Master Instructors. All instructors with a minimum of five years teaching experience and who attend 16 hours of approved continuing education each year will receive a master instructor license with an official title, MCI.

C. Reinstatements. In order to maintain the master instructor license the instructor must attend a minimum of 16 hours of approved continuing education each year. If a master instructor does not attend the 16 hours during one year, the master instructor license will be reinstated after two consecutive years of completing 16 hours of approved continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 7. Safety and Sanitation Requirements

§701. Sanitation Requirements for Cosmetology

Salons and Cosmetology Schools

A. Sanitation. Beauty shops, salons and cosmetology schools are declared to be businesses affecting the public health, safety and welfare; therefore, sanitation procedures must be followed. Every beauty shop, salon and cosmetology school shall be adequately lighted, well ventilated, and kept in a clean and sanitary condition at all times.

B. Equipment. All beauty shops and salons and cosmetology schools shall have available sterilizers or sanitizers which shall be used in accordance with the manufacturer's instructions. All instruments, including disposable equipment shall be kept clean and sanitized.

C. Combs and Brushes. Combs and brushes must be thoroughly cleaned with soap and water after each patron has been served and then immersed in a solution of one part water to 10 parts of sodium hypochlorite (bleach), EPA hospital grade disinfectant or some equally efficient disinfectant used in accordance with the manufacturer's instructions.

D. Shampoo Boards. Shampoo boards and bowls must be kept clean at all times.

E. Towels. Towels used for patrons shall be clean and freshly laundered and kept in a closed cabinet designated for clean towels only.

F. Soiled Towels. Soiled towels should be kept in a container.

G. Hand Washing. Cosmetologists shall wash their hands with soap and fresh water immediately before serving each patron.

H. Fluids and Powders. Fluids and powders shall be applied to a patron from a shaker type dispenser so as to prevent the bottle or shaker from contacting the client.

I. Structure. Floor, walls and fixtures must be kept in a clean and sanitary condition at all times.

J. Flooring. Carpet or floor cloth shall not be used in any work area.

K. Animals. No facility licensed by the board shall permit any live animal to be present on the premises except for an animal certified to assist a disabled person.

L. Water. All facilities shall have an adequate supply of both hot and cold running water and a sufficient number of wash basins on the facility premises.

M. Clippings. Hair clippings on the floor must be swept up after each client and shall be disposed of in a covered container.

N. Tools and Implements. All tools and implements which come in direct contact with a client and shall be sterilized, sanitized or disposed of after each use.

O. Storage. New and/or sanitized and cleaned tools and implements shall be stored separately from all others.

P. Work Stations. Storage cabinets, work stations and vanities shall be cleaned after each client.

Q. Blood Spill Kits. Blood spill kits must be available in every salon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§703. Salons Located in Buildings Housing Other Facilities

A. Separate Room. No salon shall be established or maintained in a home or in connection with a business where food is handled unless a separate room is provided therefore.

B. Home Salon. Any salon in a home or in connection with a place where food is handled shall be separated from the living quarters or place where food is handled by walls or other permanent structures. There shall be separate outside entrances leading to the salon and to the living quarters or any place where food is handled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§705. Equipment Required in Salons Offering Hair Dressing Services

A. Equipment. Hair dressing shall not be performed in any beauty shop or salon unless the following items are available for use:

1. shampoo bowl for shop purpose only;
2. utility chair;
3. dryer;
4. covered waste container;
5. cabinet for accessories;
6. cabinet for clean linens;
7. container for soiled linens; and
8. wet and dry sterilizer for each occupied station or electric sterilizer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§707. Equipment Required in Salons Offering Esthetics Services

A. Equipment. Esthetics shall not be performed in any salon unless the following items are available for use:

1. flexible treatment bed or chair, capable of multi-positions for customer and skin care therapist;
2. stool for therapist;
3. trolleys or utility table, large enough to support cosmetic preparations and bowls;
4. small sterilizer for implements (i.e., tweezers, extractors, small equipment);

5. magnifying lamp for skin analysis (five dioptic recommended);

6. closed storage cabinet with a wash basin or sink for hand washing and towel storage;

7. facial steamer;

8. the following basic implements:

- a. two stainless steel bowls;
- b. covered waste bin;
- c. non-sterile cotton pads, cloths, or disposable sponges;
- d. towels, clinic gowns, head bands, washable blanket;
- e. tissue, cotton tipped swabs, spatulas, gauze;
- f. containers with lids for storage or disposable items;
- g. tweezers;
- h. sheets;
- i. mask brushes;
- j. cleansers, astringents, treatment creams; and
- k. lancets, leak and puncture proof container for disposal of lancets, and gloves (disposable PVC).

B. Waxing. If waxing is offered, the following items shall be available for use:

1. wax pot and wax;
2. disposable applicators;
3. wax remover for skin and ointment;
4. cleanser for skin;
5. wax equipment cleanser; and
6. comb and scissors for trimming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§709. Equipment Required in Salons Offering Manicuring Services

A. Manicuring Equipment. Manicuring shall not be performed in any salon unless the following items are available for use:

1. manicuring sterilizer;
2. covered waste containers;
3. cabinet for accessories;
4. cabinet for clean linens;
5. container for soiled linens;
6. manicuring table; and
7. lavatory with hot and cold running water.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§711. Procedures for Esthetics Services

A. Exfoliation. Cosmetologists, estheticians and persons authorized to perform microdermabrasion shall not exfoliate or perform any procedure which will affect the dermis or skin below the epidermis. Cosmetologists, estheticians and persons authorized to perform microdermabrasion shall only exfoliate or perform services which affect the epidermis.

B. Procedures. Cosmetologists performing esthetics services, estheticians and persons authorized to perform microdermabrasion shall:

1. wash his or her hands using an antimicrobial skin wash prior to coming into contact with any client;
2. wash all implements with antimicrobial wash prior to sanitization or sterilization;

3. wash all towels and linens in disinfecting detergent; and
4. place all used disposable items in a closed, bagged, trash container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§713. Procedures for Manicuring Services

A. All manicurists and cosmetologist performing manicuring services shall:

1. wash his or her hands using antimicrobial wash prior to performing any manicuring service;
2. require the customer to wash area on which service is to be performed with an antimicrobial wash prior to any service being performed;
3. wash all implements with antimicrobial wash prior to sterilization;
4. wash all towels and linens in disinfecting detergent; and
5. place all used disposable items in a closed, bagged, trash container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§715. Disposable Equipment

A. The following items shall be considered disposable:

1. facial tissues;
2. sponges;
3. cloths;
4. extraction tissue;
5. lancets;
6. gloves;
7. wax strips and sticks;
8. tissues;
9. cotton pads; and
10. emery boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 9. Inspections

§901. Access of Inspectors

A. Access. Inspectors and employees of the board are entitled to enter any premises licensed by the board, to interview any person present at the facility and to examine all work records pertaining to the cosmetology profession during the regular business hours of the facility.

B. Information. Any information gained by an inspector or employee of the board during an inspection shall remain confidential unless the information is to be offered as evidence in an administrative hearing or court proceeding concerning a license issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(10).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§903. Violations

A. Citations. Inspectors may issue citations for violations and impose and collect fines for any violation of the Cosmetology Act or any rule or regulation adopted by the board provided that the licensee waives his or her right to a formal hearing before the board.

B. Violation Notice. Inspectors must present the licensee with the a duplicate copy of the violation notice.

C. Evidence. Any licensee who disputes the contents of an inspector's report may submit contrary evidence in writing to the board or present evidence to the board at the assigned hearing date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(5)

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 11. Special and Temporary Permits

§1101. Special Permits

A. Special Permits. The board shall issue the following special permits to any person who meets the requirements set forth in the board's rules:

1. alternative hair design;
2. microdermabrasion;
3. shampoo assistants; and
4. make-up artists.

B. All special permits issued by the board shall be valid for a period of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1103. Special Permit for Microdermabrasion

A. Microdermabrasion. Beginning April 1, 2003 a special permit authorizing the performance of microdermabrasion using a nonprescriptive device shall be issued to:

1. a licensed esthetician; or
2. a licensed cosmetologist or electrologist who presents satisfactory evidence of completion of at least 200 hours of study in esthetics or evidence of practicing esthetics for a period of at least one year.

B. Training. In addition to the requirements set forth in Subsection A, the applicant must present satisfactory evidence of completion of a training course on the operation of the microdermabrasion equipment to be used.

C. Proof Required. For the purpose of this Section, evidence of practicing esthetics shall be demonstrated by presenting the following:

1. copies of W-2's or 1099s and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 per week for at least 48 weeks during a period of one year; or
2. copies of income tax returns, if self-employed, and sworn statements from at least five clients indicating that esthetics services were performed by the applicant.

D. Permit Required. No cosmetologist or esthetician may perform microdermabrasion without a current special permit authorizing the performance of microdermabrasion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1105. Special Permit for Alternative Hair Design

A. Alternative Hair Design. Beginning April 1, 2003, a special permit authorizing the practice of alternative hair design shall be issued to any person who presents evidence to the board of completion of the alternative hair design curriculum and successfully passes the exam administered by the board.

B. Grandfathering. Notwithstanding the provisions of Subsection A, any person who applies for a special permit to practice alternative hair design on or before June 30, 2003 who satisfactorily demonstrates two years of experience in the practice of alternative hair design shall be issued a permit without the necessity of taking the alternative hair exam.

C. For the purpose of this Section experience shall be demonstrated by any of the following:

1. copies of W-2's or 1099's and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 per week for at least 48 weeks per year during a two year period in the practice of alternative hair design;

2. copies of income tax returns, if self-employed, and sworn statements from at least five clients indicating that alternative hair design services were performed by the applicant;

3. certification from a school indicating that the applicant has received at least 400 hours of instruction in alternative hair design which were completed prior to October 1, 2002; or

4. documentation indicating that the applicant has been a member of a trade association which has as its stated purpose the education of individuals in a field which includes alternative hair design for at least two years prior to January 1, 2003.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1107. Alternative Hair Design Curriculum

A. Curriculum. The alternative hair design curriculum shall consist of at least 1000 hours of instruction which shall include but not be limited to:

1. History Overview:
 - a. Ancient Origins of Braiding;
 - b. Traditional Multi-Cultural Braid Styles;
 - c. The Multi-Cultural American Hair Experience;
2. Bacteriology and Sanitation:
 - a. Types of Bacteria;
 - b. Growth and Reproduction of Bacteria;
 - c. Prevention of Infection and Infection Control;
 - d. Use of Antiseptics, Disinfectants and Detergents;
3. Client Consultation;
4. Hair Types and Hair Structure;
5. Scalp Diseases and Disorders;
6. Shampoos, Conditioners, Herbal Treatments and Rinses for Synthetic Hair Only;
7. Braiding and Sculpting;
8. Louisiana Cosmetology Act and Rules and Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1109. Special Permit for Shampoo Assistants

A. Shampoo Assistants. Beginning January 1, 2003, a special permit authorizing the performance of shampooing shall be issued to any person who:

1. applies on or before June 30, 2003 and presents evidence to the board of six months of continuous

employment as an assistant to a licensed cosmetologist prior to January 1, 2003; or

2. has successfully completed at least 40 hours of training in shampooing, draping and rinsing and passed the test administered by the board.

B. Grandfathering. For the purpose of this Section continuous employment shall be demonstrated by copies of W-2s or 1099s and a sworn statement by the issuer indicating that the individual worked the equivalent of 25 per week for at least 24-weeks per year during a 6-month period as a shampoo assistant under the supervision of a licensed cosmetologist.

C. Cosmetologist. No person holding current cosmetology license shall be required to obtain a special permit to shampoo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1111. Special Permit for Make-Up Application

A. Make-Up Application. Beginning April 1, 2003, a special permit authorizing the practice of application of cosmetic preparations or make-up shall be issued to any person who presents evidence to the board of completion of 40 hours of training in the application of cosmetic preparations or make-up.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1113. Temporary Permits

A. Permits. The board shall issue permits to persons who wish to participate in hair shows, beauty pageants or demonstrations who are licensed to practice cosmetology, esthetics or manicuring in another state.

B. Applications. Applications for temporary permits shall be submitted to the board for review not less than 30 days prior to the requested period of the permit.

C. The 40-hour curriculum for make-up artists shall include a minimum of:

1. two hours of study if composition of facial cosmetics;
2. two hours of study and two hours of practical work in recognition of facial shapes;
3. two hours of study make-up cosmetics and purpose;
4. three hours of study and 12 hours of practical work in make-up application;
5. three hours of study and 10 hours of practical work in procedure for corrective make-up;
6. one hour of study and two hours of practical work in procedure for evening make-up;
7. one hour of study in safety and sanitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1115. Temporary Permits

A. Transfer. Hours of study used to obtain any temporary permit authorized by this Chapter shall not be counted toward the number of hours necessary to receive any other license issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 13. Disciplinary Proceedings

§1301. Informal Proceedings

A. Notice. If the board receives information indicating that a licensee has violated the Cosmetology Practice Act or the rules and regulations adopted by the board, the executive director shall provide the licensee with a written informal notice.

B. Conference. The licensee shall respond in writing to the board's informal notice within 10 days of receipt by providing the board with a written statement containing any information related to the allegations of the informal notice which would show compliance with all requirements for retention of his or her license. In lieu of providing a written statement, the licensee may request an informal conference with the executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(1).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1303. Formal Proceedings

A. Complaint. In the event that the matter is not resolved during the informal hearing, the executive director shall file a formal complaint which shall be forwarded to the licensee at the address on file with the board.

B. Hearing. No hearing shall be conducted prior to 20 business days following the filing of the formal complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1305. Procedures

A. Hearings. All hearings conducted before the board shall be in accordance with the Administrative Procedure Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 15. Declaratory Orders

§1501. Declaratory Orders

A. Application. Any person desiring an interpretation of the Cosmetology Act or the rules promulgated in accordance with the Cosmetology Act shall make application to the board on a form provided by the board.

B. Hearing. An application for a Declaratory Order shall be heard within 60 days of receipt.

C. Ruling. The board shall issue a ruling on an application for Declaratory Order within 30 days of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Chapter 17. Miscellaneous Provisions

§1701. Public Comments at Board Meetings

A. Comments. A public comment period shall be held at or near the beginning of each board meeting. Persons desiring to present public comments shall notify the chairman or the executive director no later than the beginning of the meeting. To assure that an opportunity is afforded all persons who desire to make public comments, the chairman shall inquire at the beginning of the meeting if

there are additional persons who wish to comment. The chairman 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 he represents, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:5(D).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1703. Services Performed at the Residence of a Disabled Person

A. Services. A cosmetologist, esthetician or manicurist may perform services at the residence of a client who is chronically ill or disabled.

B. Requirements. A client shall be considered chronically ill or disabled if:

1. the client provides the cosmetologist, esthetician or manicurist with a physician's certificate indicating that the client is chronically ill or disabled;

2. the client provides the cosmetologist, esthetician or manicurist with evidence that the client has been awarded Social Security Disability or Supplemental Security Income Disability Benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(15).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1705. Destruction of Premises

A. Inspection. When any school or salon made unusable by virtue of storm, fire, flood or any other act of God or by virtue of expropriation proceedings and the premises selected to permanently replace such facility will be inspected without an inspection fee, provided that such facility is replaced within six months of its destruction.

B. Reconstruction. Any school or salon which is repaired or replaced in its exact location will be acceptable provided that it is reconstructed in no less size that existed prior to its destruction.

C. Temporary Premises. When temporary premises are necessary for the continuance of operation during the repair, the board member for the area involved may approve such premises provided such premises are temporary with a specific termination date set forth for their use and further provided that such premises are sanitary and sufficient for use during the stated time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1707. Remodeling

A. Application. When any school or salon desires to remodel its premises, application shall be made to the board.

B. Temporary Premises. If remodeling requires the use of temporary premises for the continuance of operation during remodeling, the board member for the area may approve such premises as are adequate provided such premises are sanitary and sufficient for use during the stated time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1709. Picture Identification

A. All licensee and permittees shall have in their possession a picture identification at any time at which a service is being performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1711. NSF Checks

A. Late Fee. If a check is received for the renewal of license which is returned to the board by the bank due to non-sufficient funds and is not validated by the licensee or permittee by the expiration date will be responsible for payment of a late fee in addition to any bank charge imposed on the board.

B. Restoration. If a check is received for restoration of a license which is returned to the board by the bank due to non-sufficient funds, the applicant's license shall be subject to revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

§1713. Cheating on Examinations

A. Eligibility. Any person who cheats on an examination administered by the board shall be disqualified from taking any examination administered by the board for a period of at least three months. Any person who cheats on a subsequent examination shall be ineligible to register for any examination administered by the board without board approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Division of Administration, Board of Cosmetology, LR 29:

Interested parties are invited to submit written comments on the proposed regulations through December 10, 2002 at 4:30 p.m., to Saraphia T. Wilson, Executive Director, Louisiana State Board of Cosmetology, 1162 Sunbelt Court, Baton Rouge, LA, 70809.

Saraphia T. Wilson
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Cosmetology Complete Revision

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

The agency anticipates that it will incur additional costs associated with programming changes, printing, postage, office supplies and exams prior to issuing the special permits for alternative hair design, microdermabrasion, shampoo assistant and make-up artists. In addition, there will be costs associated with an temporary permits which are issued. However, the agency does not have sufficient data available to estimate the number of individuals who will apply for special permits or temporary permits.

Although the changes to the existing rules will result in increased costs to the agency, these increases are expected to be offset by additional revenues.

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

The implementation of the new rules has no effect on the revenues for existing functions in comparison to current practice.

The agency anticipates an increase in revenues in comparison to the existing rules due to the fees for the special permits for alternative hair design, microdermabrasion, shampoo assistants and make-up artists. Revenues will also increase with the issuance of temporary permits. The agency does not have sufficient data available to estimate the number of individuals who will apply for special permits or temporary permits.

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

Although the changes to the existing rules will result in varying increases and decreases in costs, no significant change is anticipated. For example, equipment required in schools and cosmetology facilities in the proposed rules is more updated than equipment listed in the current rules.

There is a \$25 permit fee to any applicant applying for a permit for shampoo assistant, microdermabrasion, make-up application and alternative hair design; however, this fee will enable the individuals to enter the workforce in areas which previously required a cosmetology or esthetics license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Temporary permits and the special permits for alternative hair design, microdermabrasion, shampoo assistants, and make-up artists will have a positive effect on the competition and employment in the cosmetology industry. The permittees will be able to work in cosmetology facilities without obtaining a full cosmetology license. Additionally, expanded services will be offered by cosmetologists.

Saraphia T. Wilson
Executive Director
0211#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

EPO Plan of Benefits Accumulation of Deductibles,
Co-Insurance, and Out-of-Pocket Expenses
(LAC 32:V.301, 323, 601, 701 and 703)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO plan document relative to the accumulation of deductibles, co-insurance and out-of-pocket expenses. The reason for this action is to align the accumulation of deductibles, co-insurance, and out-of-pocket expenses with the plan year (July 1- June 30) rather than the calendar year (January 1-December 31).

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§301. Medical Benefits Apply when Eligible Expenses are Incurred by a Covered Person

A. - A.23. ...

24. not subject to the annual deductible:

a. one pap test for cervical cancer per *plan year*

b.i. ...

ii. one mammogram during a period of two years for any person who is 40-49 years of age, or more frequently if recommended by a physician;

iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1810 (October 1999), LR 28:478 (March 2002), LR 29:

Chapter 6. Definitions

§601. Definitions

Accidental InjuryCa condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force. With respect to injuries to teeth, the act of chewing does not constitute an injury caused by external force.

Benefit PaymentCpayment of eligible expenses incurred by a *covered person* during a *plan year* at the rate shown under percentage payable in the schedule of benefits.

DeductibleCthe amount of covered charges for which no benefits will be paid. Before benefits can be paid in a *plan year*, a *covered person* must meet the deductible shown in the schedule of benefits.

Family Unit LimitCthe dollar amount shown in the schedule of benefits has been incurred by three members of a family unit toward their *plan year deductibles*. The *deductibles* of all additional members of that family unit will be considered satisfied for that year.

Plan YearCthat period commencing at 12:01 a.m., July 1, standard time, at the address of the *employee*, or the date the *covered person* first becomes covered under the *plan* and continuing until 12:01 a.m., standard time, at the address of the *employee* on the next following July 1. Each successive *plan year* will be the period from 12:01 a.m., July 1, standard time, at the address of the *employee* to 12:01 a.m., the next following July 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1820 (October 1999), LR 29:

Chapter 7. Schedule of Benefits C EPO

§701. Comprehensive Medical Benefits

A. Eligible expenses for professional medical services are reimbursed on a fee schedule of maximum allowable charges. All eligible expenses are determined in accordance with plan limitations and exclusions.

	Non-EPO	EPO
Lifetime Maximum for all benefits except outpatient prescription drug benefits per person	\$2,000,000	
Lifetime Maximum for all Outpatient Prescription Drug Benefits per person	\$250,000	

1. Deductibles:

	Non-EPO	EPO
Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO hospitals)	\$50	0
Emergency room charges for each visit unless the <i>covered person</i> is hospitalized immediately following emergency room treatment (prior to and in addition to <i>plan year deductible</i>)	\$150	0
Professional and other eligible expenses, employees and dependents of employees, per person, per plan year		
Family unit maximum (3 individual deductibles)		
Professional and other eligible expenses, retirees and dependents of retirees, per person, per plan year		
Family unit maximum (3 individual deductibles)		
Professional and other eligible expenses, other than physician office visits, per person, per plan year	\$300	0
Family unit maximum (3 individual deductibles)		

2. Percentage Payable after Co-payments and Satisfaction of Applicable Deductibles

Eligible expenses incurred at an EPO	n/a	100%
Eligible expenses incurred at a non-EPO	70%	n/a
Eligible expenses incurred when Medicare or other Group Health Plan is primary, and after Medicare reduction	80%	n/a
Eligible expenses incurred at a non-PPO/non-EPO When not available at an EPO/PPO or out of state	80%	n/a
Eligible expenses in excess of \$10,000* per person per plan year	100%	n/a
Eligible expenses at EPO are based upon contracted rates.		
Eligible expenses at non-EPO are based upon the OGB's fee schedule. Charges in excess of the fee schedule are not eligible expenses and do not apply to the coinsurance threshold.		

3. ...

4. Prescription Drugs (not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Out-of-pocket threshold	\$1,200 per person, per <i>plan year</i>
Co-Pay after Threshold is Reached	
Brand	\$15
Plan pays balance of eligible expense	

B. - E ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1823 (October 1999), LR 26:487 (March 2000), LR 27:717 (May 2001), LR 27:1886 (November 2001), LR 28:476 (March 2002), LR 29:

§703. Mental Health and Substance Abuse

NOTE: Requires prior approval of services.

A. Deductibles

Per person per Plan Year (Separate from Comprehensive Medical Benefits deductible)	\$ 200
Inpatient (Maximum 5 days; \$250 per stay)	\$ 50 per day

B. Benefits

80% of the first \$5,000 of eligible expenses
100 % of eligible expenses over \$5,000 until the Lifetime Maximum for all plan benefits is reached
Up to a maximum of 45 inpatient days per person, per plan year
Up to a maximum of 52 intensive outpatient visits per person, per plan year, inclusive of the outpatient program

NOTE: Two days of partial hospitalization or two days of residential treatment center hospitalization may be traded for each inpatient day of treatment that is available under the 45-day Plan Year maximum for inpatient treatment. A residential treatment center is a 24-hour mental health or substance abuse, non-acute care treatment setting for active treatment interventions directed at the amelioration of the specific impairments that led to admission. Partial hospitalization is a level of care where the patient remains in the hospital less than 24 hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1824 (October 1999), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy .

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: EPO Plan of Benefits Accumulation of Deductibles, Co-Insurance, and Out-of-Pocket Expenses

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will cost the Office of

Group Benefits approximately \$1.4 million (includes \$3000 for the cost of printing). This will be a one-time cost that will be recognized during the period of January 1, 2003 through June 30, 2003 when deductibles applied during calendar year 2002 will be continued.

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

Revenue collections of state and local governmental units will not be affected. This Rule change is being published to bring the plan year of OGB in alignment with the fiscal year of the state.

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

This Rule will allow align the current OGB EPO plan year with the state of Louisiana fiscal year. This Rule will allow the deductible for each member that has accrued during calendar year 2002 to be carried forward to the period of January 1, 2003 through June 30, 2003. This will cause benefits to be paid during the first 6 months of 2003 that might have otherwise been applied to a plan deductible. This will be a one-time cost for OGB. As the annual enrollment transfers are effective on July 1st each year, this Rule will allow the transfer of health plans and those plan years to be the same. This carryover will apply to normal medical deductibles, mental health and substance abuse deductibles, as well as the out of pocket maximum accumulators for prescription drugs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#041

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

EPO Plan of Benefits Effective Dates and Limitations of Coverage for Pre -Existing Conditions (LAC 32:V.101)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO plan document relative to effective dates of coverage and the application of pre-existing condition limitations. This action is to conform the plan to requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and regulations promulgated pursuant thereto.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32
EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO)C Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

NOTE: Eligibility requirements apply to all participants in the program, whether in the PPO plan, the EPO plan or an HMO plan.

A. - A.3. ...

4. Re-enrollment, Previous Employment

a. An employee whose employment terminated while covered, who is re-employed within 12 months of the date of termination will be considered a re-enrollment, previous employment applicant. A re-enrollment previous employment applicant will be eligible for only that classification of coverage (employee, employee and one dependent, family) in force on the effective date of termination.

b. If an employee acquires an additional dependent during the period of termination, that dependent may be covered if added within 30 days of re-employment.

5. Members of Boards and Commissions. Except as otherwise provided by law, members of boards or commissions are not eligible for participation in the plan. This Section does not apply to members of school boards or members of state boards or commissions who are defined by the participant employer as full time employees.

6. Legislative Assistants. Legislative assistants are eligible to participate in the plan if they are declared to be full-time employees by the participant employer and have at least one year of experience or receive at least 80 percent of their total compensation as legislative assistants.

7. Pre-Existing Condition (PEC)CNew Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible employees whose employment with a participant employer commences on or after July 1, 2001, and to the dependents of such *employees*.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the employees and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately prior to the enrollment date. The provisions of this Section do not apply to pregnancy.

d. If the covered person was previously covered under a Group Health Plan, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. ...

C. Dependent Coverage

1. Eligibility. A dependent of an eligible employee or retiree will be eligible for dependent coverage on the later of the following dates:

- a. the date the employee becomes eligible;
- b. the date the retiree becomes eligible;
- c. the date the covered employee or covered retiree acquires a dependent.

2. Effective Dates of Coverage

a. Dependents of Employees. Coverage for dependents will be effective on the date the employee becomes eligible for dependent coverage.

b. Dependents of Retirees. Coverage for dependents of retirees will be effective on the first day of the month following the date of retirement if the employee and his dependents were covered immediately prior to retirement. Coverage for dependents of retirees first becoming eligible for dependent coverage following the date of retirement will be effective on the date of marriage for new spouses, the date of birth for newborn children, or the date acquired for other classifications of dependents, if application is made within 30 days of the date of eligibility.

D. - D.2. ...

3. Medical expenses incurred during the first 12 months that coverage for the *employee* and/or dependent is in force under the plan will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care or treatment was recommended or received during the six-month period immediately prior to the enrollment date. The provisions of this Section do not apply to pregnancy

D.4 - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1804 (October 1999), LR 27:718 (May 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Groups Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: EPO Plan of BenefitsC Effective Dates
and Limitations of Coverage for Pre-Existing Conditions**

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material

affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule repeals the employee and dependent deferral rule. These provisions have provided that the effective date of coverage would be deferred if the employee was not at work or a dependent was hospital confined on the date that coverage would otherwise have gone into effect. As such, these provisions violate prohibitions in the Health Insurance Portability and Accountability Act (HIPAA) non-discrimination regulations. The implementation of this Rule will conform the OGB plan to federal requirements of HIPAA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#042

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

**EPO Plan of Benefits C Prescription Drugs
(LAC 32:V.323 and 701)**

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO plan document relative to prescription drugs, increasing the maximum coinsurance amount from \$40 to \$50 per prescription and increasing the out of pocket threshold from \$1,000 to \$1,200. The reason for this action is to fairly distribute the increasing cost of prescription drugs benefits among the plan and those participants who utilize the benefit.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective July 1, 2003.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§325. Prescription Drug Benefits

A. - C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the Plan Member will be responsible for payment of 50

percent of the cost of the drug, up to a maximum of \$50 dollars per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy. There is a \$1200 per person per Plan Year out-of-pocket threshold for eligible prescription drug expenses. Once this threshold is reached, that is, the Plan Member has paid \$1200 of co-insurance/co-payments for eligible prescription drug expenses, the Plan Member will be responsible for a \$15 co-pay for brand name drugs, with no co-pay for generic drugs. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

C.2. - 5.b. ...

i. For a supply of 1-34 days the plan member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed.

ii. For a supply of 35-68 days the plan member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$100 per prescription dispensed.

iii. For a supply of 69-102 days the plan member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$150 per prescription dispensed.

6. - 7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1815 (October 1999), LR 27:717, 718, 719 (May 2001), LR 27:1886 (November 2001), LR 29:

**Chapter 7. Schedule of Benefits C EPO
§701. Comprehensive Medical Benefits**

A. - A.3. ...

4. Prescription Drugs (not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Out-of-pocket threshold	\$1,200 per person, per <i>plan year</i>
Co-Pay after Threshold is Reached	
Brand	\$15
Generic	No co-pay
Plan pays balance of eligible expense	

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1823 (October 1999), LR 26:487 (March 2000), LR 27:717, 719 (May 2001), LR 27:1886 (November 2001), LR 28:476 (March 2002), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, except as follows:

Effect on family earnings and family budget - For families participating in the OGB's EPO plan, the maximum co-payment for prescription drugs will increase from \$40 to \$50 per prescription and the out-of-pocket threshold will increase from \$1,000 to \$1,200. After the threshold is reached, the co-payment for prescription drugs is \$15 for brand drugs and \$0 for generics.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: EPO Plan of Benefits
Prescription Drugs**

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will reduce the state's expenses for prescription drug benefits by \$4.7 million for fiscal year 2003/2004, \$5.4 million in fiscal year 2004/2005, and \$6.2 million in fiscal year 2005/2006. Implementation of this Rule will not be effective until July 1, 2003 and is expected to offset prescription drug increases of approximately 15% for FY 04/05 and FY 05/06. It is anticipated that \$3,000 (FY 02/03) in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This Rule change will impact those EPO members that utilize the prescription drug benefit. This change will increase the co-insurance maximum from the current to \$40 per prescription to a maximum of \$50 per prescription. In addition, the out-of-pocket threshold per member will increase from \$1,000 per member to \$1,200 per member. This reduction in benefits will cause additional costs to the directly affected members. The extent of the impact will be directly proportional to the number and cost of drugs prescribed for a plan member in any give benefit year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0211#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

**EPO Plan of Benefits CRetiree Coverage
(LAC 32:V.101)**

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO Plan Document relative to retiree coverage, providing that retirees who return to active employment will continue to be considered as retirees for the purposes participation in OGB plans. The reason for this action is to establish consistent administration of benefits for retirees in light of recent legislation that has resulted in an increase in the number of retirees returning to active employment.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

NOTE: Eligibility requirements apply to all participants in the program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. ...

B. Retiree Coverage

1. Eligibility

a. Retirees of participant employers are eligible for retiree coverage under this plan.

b. An employee retired from a participant employer may not be covered as an employee of another participant employer.

c. Retirees are not eligible for coverage as overdue applicants.

2. Effective Date of Coverage

a. Retiree coverage will be effective on the first day of the month following the date of retirement, if the retiree and participant employer have agreed to make and are making the required contributions.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1804 (October 1999), LR 27:718 (May 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: EPO Plan of Benefits C Retiree Coverage

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule change will impact those EPO members that retire and maintain coverage with OGB, as well as those retirees that retire and do not maintain coverage with OGB. Those retirees that maintain coverage with OGB and return to work as an active state employee will now be mandated to keep their eligible coverage as a retiree with their original employing agency continuing to pay the state share of these benefits. Those members that retire who did not maintain coverage with OGB will not be allowed to join the program as an active employee in the event they are employed at a later date.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment may be affected if a retiree without coverage seeks state employment for health and life insurance benefits. This Rule change will prevent retirees that return to work from becoming eligible for insurance benefits or any other enhanced benefit package.

A. Kip Wall
Chief Executive Officer
0211#044

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

EPO Plan of Benefits C Well-Adult Care Expenses
(LAC 32:V.301 and 701)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the EPO Plan Document relative to well adult care expenses. The changes are intended to clarify existing provisions of the plan relative to benefits for well-adult care expenses.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

**Part V. Exclusive Provider (EPO) C Plan of Benefits
Chapter 3. Medical Benefit**

§301. Medical Benefits Apply when Eligible Expenses are Incurred by a Covered Person

- A. - A.23.b.ii. ...
 - c. well-adult care expenses not subject to the annual deductible, but limited to a maximum benefit of \$200.00:
 - i. age 16 until age 40 C \$200.00 during a 3-year period;
 - ii. age 40 until age 50 C \$200.00 during a 2-year period;
 - iii. age 50 and over C \$200.00 during a 1-year period;

24. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1810 (October 1999), LR 28:478 (March 2002), LR 29:

Chapter 7 - Schedule of Benefits - EPO

§701. Comprehensive Medical Benefits

- A. - B. ...
- C. Well Care
 - 1. - 2. ...
 - 3. Well Adult (No deductible C limited to a maximum benefit of \$200)

Age 16-39 - \$200 during a 3-year period	² See % payable below
Age 40-49 - during a 2-year period	² See % payable below
Age 50 and over - \$200 during a 1-year period	² See % payable below

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1823 (October 1999), LR 26:487 (March 2000), LR 27:717 (May 2001), LR 27: 1886 (November 2001), LR 28:476 (March 2002), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy .

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Groups Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: EPO Plan of Benefits Well-Adult Care Expenses

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule change will impact those EPO members that utilize the wellness benefit of the program. This proposed Rule change will modify the wellness benefit to provide for a maximum \$200 benefit for each defined period rather than one physical exam per defined benefit period as follows: age 16 until age 40C\$200 during a 3-year period; age 40 until age 50C\$200 during a 2-year period; and after age 50 and overC\$200 during a 1 year period. This is a modification of the provisions of the plan document to conform to what has been the actual process of plan administration.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Group Benefits

PPO Plan of Benefits C Accumulation of Deductibles,
Co-Insurance and Out-of-Pocket Expenses
(LAC 32:III.301, 321, 601, 701 and 703)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to the accumulation of deductibles, co-insurance and out-of-pocket expenses. The reason for this action is to align the accumulation of deductibles, co-insurance, and out-of-pocket expenses with the plan year (July 1- June 30) rather than the calendar year (January 1-December 31).

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 3. Medical Benefits

§301. Medical Benefits Apply when Eligible Expenses are Incurred by a Covered Person

A. - A.23. ...

24. not subject to the annual deductible:

a. one pap test for cervical cancer per *plan year*;

b. - b.i ...

ii. one mammogram during a period of two years for any person who is 40-49 years of age, or more frequently if recommended by a physician;

24.b.iii. - 32. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), LR 28:480 (March 2002), LR 29:

§321. Preferred Provider Program

A. ...

1. If a *covered person* obtains medical services or *hospital* services from an eligible provider who has agreed to provide the services at a mutually agreed upon discount from the maximum medical *fee schedule* or at a per diem or discounted rate from a *hospital*, the *program* will pay, following satisfaction of all applicable *deductibles*, 90 percent of the first \$10,000 of eligible expenses and 100 percent of eligible expenses, except prescription drugs, in excess of \$10,000 for the remainder of the *plan year*, subject to the maximum amount as specified in the schedule of benefits.

A. 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), LR 27:722 (May 2001), LR 29:

Chapter 6. Definitions

§601. Definitions

Accidental InjuryCa condition occurring as a direct result of a traumatic bodily injury sustained solely through accidental means from an external force. With respect to injuries to teeth, the act of chewing does not constitute an injury caused by external force.

Benefit PaymentCpayment of eligible expenses incurred by a covered person during a plan year at the rate shown under percentage payable in the schedule of benefits.

DeductibleCthe amount of covered charges for which no benefits will be paid. Before benefits can be paid in a plan year, a covered person must meet the deductible shown in the schedule of benefits.

Family Unit LimitCthe dollar amount shown in the schedule of benefits has been incurred by three members of a family unit toward their plan year deductibles. The deductibles of all additional members of that family unit will be considered satisfied for that year.

Plan YearCthat period commencing at 12:01 a.m., July 1, standard time, at the address of the employee, or the date the covered person first becomes covered under the plan and continuing until 12:01 a.m., standard time, at the address of the employee on the next following July 1. Each successive plan year will be the period from 12:01 a.m., July 1, standard time, at the address of the employee to 12:01 a.m., the next following July 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1840 (October 1999), LR 29:

Chapter 7. Schedule of Benefits—PPO

§701. Comprehensive Medical Benefits

A. ...

1. Deductibles

Inpatient deductible per day, maximum of 5 days per admission (waived for admissions at PPO hospitals)	\$ 50
Emergency room charges for each visit unless the covered person is hospitalized immediately following emergency room treatment (prior to and in addition to plan year deductible)	\$150
Professional and other eligible expenses, employees and dependents of employees per person, per plan year	\$500 \$300
Family unit maximum (3 individual deductibles)	

2. Percentage Payable after Satisfaction of Applicable Deductibles

Eligible expenses incurred at a PPO	90% of negotiated rate
Eligible expenses incurred at a non-PPO when one is available in the PPO region	50%
Eligible expenses incurred at a non-PPO when not available at a PPO or out of state	80%

Eligible expenses incurred when Medicare or other group health plan is primary, and after Medicare reduction	80%
Eligible expenses in excess of \$10,000 per plan year per person	100%

3. ...

4. Prescription Drugs (not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Out-of-pocket threshold	\$1,200 per person, per plan year
Co-Pay after Threshold is Reached	
Brand	\$15
Generic	No co-pay
Plan pays balance of eligible expense	

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), LR 26:488 (March 2000)), LR 27:719, 720, 722, 723 (May 2001), LR 27:1887 (November 2001), LR 29:

§703. Mental Health Substance Abuse

NOTE: Requires prior approval of services.

A. Deductibles

Per person per plan year (Separate from Comprehensive Medical Benefits deductible)	\$ 200
Inpatient (Maximum 5 days; \$250 per stay)	\$ 50 per day

B. Benefits

80% of the first \$5,000 of eligible expenses
100 % of eligible expenses over \$5,000 until the Lifetime Maximum for all Plan benefits is reached
Up to a maximum of 45 inpatient days per person, per plan year
Up to a maximum of 52 outpatient visits per person, per plan year, inclusive of the intensive outpatient program.

Note: Two days of partial hospitalization or two days of residential treatment center hospitalization may be traded for each inpatient day of treatment that is available under the 45-day plan year maximum for inpatient treatment. A residential treatment center is a 24-hour mental health or substance abuse, non-acute care treatment setting for active treatment interventions directed at the amelioration of the specific impairments that led to admission. Partial hospitalization is a level of care where the patient remains in the hospital less than 24 hours.

Expenses incurred for emergency services will only be reimbursed if, after review, the services are determined to be a life-threatening psychiatric emergency resulting in an authorized mental health or substance abuse admission within 24 hours to an inpatient, partial, or intensive outpatient level care. Non-emergent psychiatric or substance abuse problems treated in the emergency room will not be eligible for reimbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1844 (October 1999), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy .

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits Accumulation of Deductibles, Co-Insurance and Out-of Pocket Expenses

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will cost the Office of Group Benefits approximately \$8.3 million (includes \$3,000 for the cost of printing). This will be a one-time cost that will be recognized during the period of January 1, 2003 through June 30, 2003 when deductibles applied during calendar year 2002 will be continued.

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

Revenue collections of state and local governmental units will not be affected. This Rule change is being published to bring the plan year of OGB in alignment with the fiscal year of the state.

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

This Rule will allow align the current OGB PPO plan year with the State of Louisiana fiscal year. This Rule will allow the deductible for each member that has accrued during calendar year 2002 to be carried forward to the period of January 1, 2003 through June 30, 2003. This will cause benefits to be paid during the first 6 months of 2003 that might have otherwise been applied to a plan deductible. This will be a one-time cost for OGB. As the annual enrollment transfers are effective on July 1st each year, this Rule will allow the transfer of health plans and those plan years to be the same. This carryover will apply to normal medical deductibles, mental health and substance abuse deductibles, as well as the out of pocket maximum accumulators for prescription drugs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#037

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Group Benefits

PPO Plan of Benefits Effective Dates and Limitations of Coverage for Pre -Existing Conditions (LAC 32:III.101)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to effective dates of coverage and the application of pre-existing condition limitations. This action is to conform the plan to requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and regulations promulgated pursuant thereto.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

Eligibility requirements apply to all participants in the program, whether in the PPO plan, the EPO plan or an HMO plan.

A. -A.3. ...

4. Re-Enrollment, Previous Employment

a. An *employee* whose *employment* terminated while covered, who is re-employed within 12 months of the date of termination will be considered a re-enrollment, previous *employment* applicant. A re-enrollment previous *employment* applicant will be eligible for only that classification of coverage (*employee, employee* and one *dependent, family*) in force on the effective date of termination.

b. If an *employee* acquires an additional *dependent* during the period of termination, that *dependent* may be covered if added within 30 days of re-employment.

5. Members of Boards and Commissions. Except as otherwise provided by law, members of boards or commissions are not eligible for participation in the *plan*. This Section does not apply to members of school boards or members of state boards or commissions who are defined by the *participant employer* as full time *employees*.

6. Legislative Assistants. Legislative Assistants are eligible to participate in the *plan* if they are declared to be full-time *employees* by the *participant employer* and have at least one year of experience or receive at least 80 percent of their total compensation as Legislative Assistants.

7. Pre-Existing Condition (PEC)C New Employees (on and after July 1, 2001)

a. The terms of the following paragraphs apply to all eligible *employees* whose *employment* with a *participant employer* commences on or after July 1, 2001, and to the *dependents* of such *employees*.

b. The program may require that such applicants complete a "Statement of Physical Condition" and an "Acknowledgement of Pre-existing Condition" form.

c. Medical expenses incurred during the first 12 months that coverage for the *employees* and/or *dependent* is in force under the *plan* will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care, or *treatment* was recommended or received during the six months immediately prior to the enrollment date. The provisions of this Section do not apply to pregnancy.

d. If the covered person was previously covered under a *group health plan*, Medicare, Medicaid or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), credit will be given for previous coverage that occurred without a break of 63 days or more for the duration of prior coverage against the initial 12-month period. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against a pre-existing condition exclusion period.

B. - C. 1.c. ...

2. Effective Dates of Coverage

a. Dependents of Employees. Coverage for *dependents* will be effective on the date the *employee* becomes eligible for *dependent* coverage.

b. Dependents of Retirees. Coverage for *dependents* of *retirees* will be effective on the first day of the month following the date of retirement if the *employee* and his *dependents* were covered immediately prior to retirement. Coverage for *dependents* of *retirees* first becoming eligible for *dependent coverage* following the date of retirement will be effective on the date of marriage for new spouses, the date of birth for newborn *children*, or the *date acquired* for other classifications of *dependents*, if application is made within 30 days of the date of eligibility.

D. Pre-Existing Condition (PEC)C Overdue Application

1. - 2. ...

3. Medical expenses incurred during the first 12 months that coverage for the *employee* and/or *dependent* is in force under the *plan* will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care or *treatment* was recommended or received during the six-month period immediately prior to the enrollment date. The provisions of this Section do not apply to pregnancy.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1825 (October 1999), LR 27:721 (May 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Groups Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: PPO Plan of Benefits C Effective Dates
and Limitations of Coverage for Pre-Existing Conditions**

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule repeals the employee and dependent deferral rule. These provisions have provided that the effective date of coverage would be deferred if the employee was not at work or a dependent was hospital confined on the date that coverage would otherwise have gone into effect. As such, these provisions violate prohibitions in the Health Insurance Portability and Accountability Act (HIPAA) non-discrimination regulations. The implementation of this Rule will conform the OGB plan to federal requirements of HIPAA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#036

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

PPO Plan of Benefits C Prescription Drugs
(LAC 32:III.323 and 701)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the

responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO plan document relative to prescription drugs, increasing the maximum coinsurance amount from \$40 to \$50 per prescription and increasing the out of pocket threshold from \$1,000 to \$1,200. The reason for this action is to fairly distribute the increasing cost of prescription drugs benefits among the plan and those participants who utilize the benefit.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective July 1, 2003.

**Title 32
EMPLOYEE BENEFITS**

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 3. Medical Benefits

§323. Prescription Drug Benefits

A. - C. ...

1. Upon presentation of the Group Benefits Program Health Benefits Identification Card at a network pharmacy, the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 dollars per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy. There is a \$1200 per person per *plan year* out-of-pocket threshold for eligible prescription drug expenses. Once this threshold is reached, that is, the *plan member* has paid \$1200 of co-insurance/co-payments for eligible prescription drug expenses, the *plan member* will be responsible for a \$15 co-pay for brand name drugs, with no co-pay for generic drugs. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

2. - 5.b. ...

i. For a supply of 1-34 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$50 per prescription dispensed.

ii. For a supply of 35-68 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$100 per prescription dispensed.

iii. For a supply of 69-102 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$150 per prescription dispensed.

6. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), LR 27:720, 721 (May 2001), LR 27:1887 (November 2001), LR 29:

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. - A.3. ...

4. Prescription Drugs (not subject to deductible)

Network Pharmacy	Member pays 50% of drug costs at point of purchase
Maximum co-payment	\$50 per prescription dispensed
Out-of-pocket threshold	\$1,200 per person, per <i>plan year</i>

Co-Pay after Threshold is Reached	
Brand	\$15
Generic	No co-pay
Plan pays balance of eligible expense	

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), LR 26:488 (March 2000), LR 27:719, 720, 722, 723 (May 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, except as follows:

Effect on family earnings and family budget - For families participating in the OGB's PPO plan, the maximum co-payment for prescription drugs will increase from \$40 to \$50 per prescription and the out-of-pocket threshold will increase from \$1,000 to \$1,200. After the threshold is reached, the co-payment for prescription drugs is \$15 for brand drugs and \$0 for generics.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits

Prescription Drugs

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will reduce the state's expenses for prescription drug benefits by \$14 million for fiscal year 2003/2004, \$16.1 million in fiscal year 2004/2005, and \$18.5 million in fiscal year 2005/2006. Implementation of this Rule will not be effective until July 1, 2003 and is expected to offset prescription drug increases of approximately 15% for FY 04/05 and FY 05/06. It is anticipated that \$3,000 (FY 02/03) in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected.

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

This Rule change will impact those PPO members that utilize the prescription drug benefit. This change will increase the co-insurance maximum from the current to \$40 per prescription to a maximum of \$50 per prescription. In addition, the out-of-pocket threshold per member will increase from \$1,000 per member to \$1,200 per member. This reduction in benefits will cause additional costs to the directly affected members. The extent of the impact will be directly

proportional to the number and cost of drugs prescribed for a plan member in any give benefit year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0211#038

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

PPO Plan of Benefits C Retiree Coverage
(LAC 32:III.101)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO plan document relative to retiree coverage, providing that retirees who return to active employment will continue to be considered as retirees for the purposes participation in OGB plans. The reason for this action is to establish consistent administration of benefits for retirees in light of recent legislation that has resulted in an increase in the number of retirees returning to active employment.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

NOTE: Eligibility requirements apply to all participants in the program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. ...

B. Retiree Coverage

1. Eligibility

a. Retirees of participant employers are eligible for retiree coverage under this plan.

b. An employee retired from a participant employer may not be covered as an employee of another participant employer.

c. Retirees are not eligible for coverage as overdue applicants.

2. Effective Date of Coverage

a. Retiree coverage will be effective on the first day of the month following the date of retirement, if the retiree and participant employer have agreed to make and are making the required contributions.

C. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801 (C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1825 (October 1999), LR 27:721 (May 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

A. Kip Wall
Chief Executive Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: PPO Plan of Benefits C Retiree Coverage

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule change will impact those PPO members that retire and maintain coverage with OGB, as well as those retirees that retire and do not maintain coverage with OGB. Those retirees that maintain coverage with OGB and return to work as an active state employee will now be mandated to keep their eligible coverage as a retiree with their original employing agency continuing to pay the state share of these benefits. Those members that retire who did NOT maintain coverage with OGB will NOT be allowed to join the program as an active employee in the event they are employed at a later date.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment may be affected if a retiree without coverage seeks state employment for health and life insurance benefits. This Rule change will prevent retirees that return to work from becoming eligible for insurance benefits or any other enhanced benefit package.

A. Kip Wall
Chief Executive Officer
0211#039

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Division of Administration
Office of Group Benefits

PPO Plan of Benefits CWell-Adult Care Expenses
(LAC 32:III.301 and 701)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO plan document relative to well adult care expenses. The changes are intended to clarify existing provisions of the plan relative to benefits for well-adult care expenses.

Accordingly, OGB hereby gives Notice of Intent to amend the following Rule to become effective upon promulgation.

Title 32
EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits
Chapter 3. Medical Benefits

§301. Medical Benefits Apply when Eligible Expenses are Incurred by a Covered Person

- A. - A.23.b.ii. ...
c. well-adult care expenses not subject to the annual deductible, but limited to a maximum benefit of \$200:
i. age 16 until age 40 C\$200 during a 3-year period;
ii. age 40 until age 50 C\$200 during a 2-year period;
iii. age 50 and over C\$200 during a 1-year period;
24. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1830 (October 1999), LR 28:480 (March 2002), LR 29:

Chapter 7. Schedule of Benefits-PPO

§701. Comprehensive Medical Benefits

- A. - B. ...
C. Well Care
1. - 2. ...
3. Well Adult (No deductible Climited to a maximum benefit of \$200)

Age 16-39 - \$200 during a 3-year period
Age 40-49 - during a 2-year period
Age 50 and over -\$200 during a 1-year period

- D. - E. ...
AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1843 (October 1999), LR 26:488 (March 2000), LR 27:719, 720, 722, 723 (May 2001), LR 27:1887 (November 2001), LR 29:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy .

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Groups Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, December 30, 2002.

A public hearing will be held from 6:00 p.m. until 7:30 p.m. on Monday, December 30, 2002 at the Louisiana Department of Transportation and Development (DOTD) Auditorium, 1201 Capitol Access Road, Baton Rouge, Louisiana 70802. Interested persons may appear and present their views at that time.

Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: PPO Plan of Benefits
Well-Adult Care Expenses

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

It is estimated by OGB's consulting actuary, Milliman, USA, that this benefit modification will not have any material affect on the Office of Group Benefits for fiscal year 2002/2003 and for any future years. It is anticipated that \$3,000 in printing costs will be incurred with the publishing of this Rule.

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

Revenue collections of state and local governmental units will not be affected. These Rule changes are being published to simplify the administrative procedures of the program.

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

This Rule change will impact those PPO members that utilize the wellness benefit of the program. This proposed Rule change will modify the wellness benefit to provide for a maximum \$200 benefit for each defined period rather than one physical exam per defined benefit period as follows: age 16 until age 40 C\$200 during a 3-year period; age 40 until age 50 C\$200 during a 2-year period; and after age 50 and over C\$200 during a 1 year period. This is a modification of the provisions of the plan document to conform to what has been the actual process of plan administration.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected.

A. Kip Wall
Chief Executive Officer
0211#040

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Real Estate Appraisers Board of Certification

Appraiser Certification (LAC 46:LXVII)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Real Estate Appraisers Board has initiated procedures to repeal LAC 46:LXVII.Real Estate. Subpart 2.Appraisers, Chapter 103, §10311.D.9-11 and §10313.D.21-23. This will remove textbook authorship, real estate journal articles, and appraisal course instruction from the experience credit points which may be used to obtain state certification as a real estate appraiser.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate Subpart 2. Appraisers

Chapter 103. Certification

§10311. Residential Certification Minimum Express

A. - D.8. ...

9. Repealed.

10. Repealed.

11. Repealed.

D.12. - F.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:

§10313. General Certification Experience

A. - D.20. ...

21. Repealed.

22. Repealed.

23. Repealed.

Note:Repealed.

E. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:

Family Impact Statement

The proposed rules have no known impact on family formation, stability, or autonomy.

Interested parties are invited to submit written comments on the proposed regulations through December 10, 2002 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Appraisers Board, Box 14785, Baton Rouge, LA, 70898-4785 or to 9071 Interline Avenue, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Appraiser Certification

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

There are no estimated implementation costs (savings) to state or local governmental units.

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

There is no estimated effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Appraisal Subcommittee of the Federal Financial Institutions Examination Council requires this rule change so as to bring the Rules and Regulations of the Louisiana Real Estate Appraiser Board into compliance with Title 11 of the Federal, Reform, Recovery and Enforcement Act of 1989. This Rule change may affect competition and employment because it reduces the methods in which required experience credits may be earned.

Julius C. Willie
Executive Director
0211#058

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Real Estate Commission

Real Estate Names and/or Trade Names (LAC 46:LXVII.2501)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Real Estate, Chapter 25, Section 2501. The amendments specify what names and/or trade names may be used by an individual licensee, partnership, firm or corporate broker in advertising and establishes advertising guidelines specific to salesperson and associate brokers.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate Subpart 1. Real Estate

Chapter 25. Advertising

§2501. Advertisements

A. - B. ...

C. All advertising of a licensed individual, partnership, firm, or corporate broker shall include their licensed business name, which for the purpose of these rules shall mean the name in which that individual, partnership, firm or corporation is on record with the Commission as doing business as a real estate broker or, in the case of a trade

name, that which is registered with the Secretary of State and on record with the Commission.

D. A salesperson or associate broker is prohibited from advertising under only his or her name.

E. All advertising by a salesperson or associate broker must be under the direct supervision of his or her sponsoring broker.

F. In all advertising, the salesperson or associate broker must include the name and telephone number of his or her broker as defined in this Section. The broker's name and telephone number must be conspicuous, discernible, and easily identifiable by the public.

G. If allowed by the sponsoring broker, the salesperson or associate broker may include in the advertisement:

1. the salesperson's or associate broker's personal logo or insignia, which cannot be construed as that of a company name;

2. the salesperson's or associate broker's contact information;

3. a group or team name as long as the name(s) of the salesperson(s) and/or associate broker(s) are included near the team name reference and cannot be construed as that of a company name; and

4. a slogan that may not be construed as that of a company name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:829 (April 2002), LR 29:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the November 20, 2002 Louisiana Register. The proposed Rules have no known impact on family formation, stability, or autonomy.

Interested parties are invited to submit written comments on the proposed regulations through December 10, 2002 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA, 70898-4785 or to 9071 Interline Avenue, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Real Estate Names and/or Trade Names

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

There are no estimated implementation costs (savings) to state or local governmental units.

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

There is no estimated effect on revenue collections. Revenue collections will still be determined by the number of applicants and the time frame within which their license, certificate, or registration is obtained and/or renewed.

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

Real estate licensees, registrants, and certificate holders may be required to modify current advertising; however, there is no way to estimate cost in that the extent to which advertising is use will vary. The proposed language is designed to benefit both the general public and the real estate industry by providing the ability to better identify the real estate company and/or agent with whom one is working in a real estate transaction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Julius C. Willie
Executive Director
0211#059

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Practical Nursing Examiners

Appointing Authority
(LAC 46:XLVII.301)

The Board of Practical Nurse Examiners proposes to amend LAC 46:XLVII.101 et seq., in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the proposed rule change to Section 303.A.1., Additional Duties and Powers of the Board, is to provide for delegation of appointing authority, previously granted to the board's executive director by policy, to be promulgated as rule. This rule has been in effect since October 24, 2002 when it was adopted as an Emergency Rule at a meeting of the board.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 3. Board of Practical Nurse Examiners

§303. Additional Duties and Powers of the Board

A. In accordance with the Louisiana Statutes, Title 37, Section 969, the board shall have all such powers and duties as written. In addition the board shall:

1. appoint an executive director and associate executive director who shall be professional nurses currently licensed in the state of Louisiana and who shall serve as the executive staff of the board. The executive director, or in her absence the associate executive director, serves as the appointing authority of the board;

2. - 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:335 (April 1984), amended

by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 26:2614 (November 2000), LR 29:

Family Impact Statement

The proposed amendments, to LAC 46:XLVII.Subpart 1., should not have any impact on family as defined by R.S. 49:972. There should not be any effect on: the stability of the family, the authority and rights of parents regarding the education and supervision of their children, the functioning of the family, family earnings and family budget, the behavior and personal responsibility of children, and/or the ability of the family or local government to perform the function as contained in the proposed rule.

Interested persons may submit written comments until 3:30 p.m., January 31, 2003, to Claire Doody Glaviano, Board of Practical Nurse Examiners, 3421 N. Causeway, Ste. 203, Metairie, LA 70002.

Claire Doody Glaviano
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Appointing Authority

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

The only cost associated with the implementation of the proposed rule changes will be the cost to publish the Rule in the *Louisiana Register* at \$108.00.

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

The proposed Rule will have no financial effect upon state or local governmental units.

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

The proposed Rule will have no significant effect on costs and/or economic benefits to directly affected persons, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Claire Doody Glaviano
Executive Director
0211#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Bureau of Medical Services Professionals Emergency Medical Services Certification Commission

EMS Certification
(LAC 46:XXXVIII.Chapters 1-5)

Under the authority of the Department of Health and Hospitals R.S 20:1710 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Emergency Medical Services, Certification Commission, hereby gives notice of intent regarding the proposed rules to establish procedures to provide direction in the transaction of the business of administering and

implementing the spirit and intent of the law governing the practice of emergency medical services professionals.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXVIII. Emergency Medical Services Certification Commission

Subpart 1. Rules of Procedure

Chapter 1. General

§101. Statement of Purpose

A. The Louisiana Emergency Medical Services Certification Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal power. To safeguard life and health of the citizens of Louisiana, the law governing the practice of Nationally Registered and State Certified Emergency Medical Technicians, Louisiana Revised Statutes of 1950, R.S. 40:1236 et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-hospital practice; to regulate the scope of practice of Emergency Medical Technicians and to establish standards for educational programs preparing individuals for out of hospital practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

Chapter 3. Registration and Certification

§301. State and National Certification

A. State certification by the Bureau of Emergency Medical Services is mandatory for practicing as a certified first responder.

B. National registration and state certification is mandatory for practicing as a certified emergency medical technician.

C. State certification as a certified Emergency Medical Services professional shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 40:1231, et seq. All applicants shall meet the same standards.

D. The commission shall render an opinion to the Bureau of Emergency Medical Services on whether the applicant meets the requirements of certification in all questionable cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§303. Denial of Certification, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for certification, reinstatement, or the right to practice as an EMS student shall be denied approval for certification, reinstatement, receipt of a temporary permit, eligibility for the National Registry exam, or entry or progress into any clinical or field internship aspects of an EMS course, if the applicant:

1. knowingly falsifies any documents submitted to the bureau, commission or the EMS educational facility; or

2. has pled guilty, nolo contendere, been convicted of, or committed a: "crime of violence" as defined in R.S. 14:2(13), or any of the following crimes:

- a. first degree feticide;
- b. second degree feticide;
- c. aggravated assault with a firearm;
- d. stalking,
- e. false imprisonment (offender armed with a dangerous weapon);
- f. incest;
- g. aggravated incest;
- h. molestation of a juvenile;
- i. sexual battery of the infirm; or
- j. crime which involves felony drug charges.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are denied certification, reinstatement, or the right to practice EMS as a student shall not be eligible to submit a new application, unless the ground for denial is falsification of records and until the following conditions are met.

1. A minimum of five years has passed since the denial was issued.

2. The applicant presents evidence that the cause for the denial no longer exists.

3. A hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the denial no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§305. Delay of Certification, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for certification, reinstatement, and for practice as a EMS student shall have approval delayed for certification, for reinstatement, to receive a temporary working permit, to be eligible for National Registry Exam, or to enter or progress into any clinical EMS course, if the applicant:

1. has any pending disciplinary action or any restrictions of any form by any licensing/certifying entity in any state; or

2. has a pending criminal charge that involves any violence or danger to another person, or involves a crime which constitutes a threat to patient care; or

3. has pled guilty, nolo contendere, been convicted of or committed a crime that reflects on the ability of the person to practice EMS safely, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole. If the crime is a "crime of violence" as defined in R.S. 14:2(13) or any of the following crimes: first degree feticide, second degree feticide, aggravated assault with a firearm, stalking, false imprisonment-offender armed with a dangerous weapon, incest, aggravated incest, molestation of a juvenile, sexual battery of the infirm, the applicant shall be denied.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are delayed certification, reinstatement, or the right to practice EMS, as a student shall not be eligible to submit a new application until the following conditions are met.

1. The applicant presents sufficient evidence that the cause for the delay no longer exists; and

2. A hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§501. Disciplinary Proceedings Before the Commission

A. The Emergency Medical Services Certification Commission has the responsibility to consider and determine the action necessary upon all charges of conduct which fall to conform to R.S. 40:1231 et seq., as re-enacted and amended, or to the rules and regulations promulgated to carry out the provisions of this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§503. Proceedings against Certified EMS Professional or Certified EMS Professional Applicants

A. The commission may direct the Bureau of Emergency Medical Services to deny, revoke, suspend, probate, limit, reprimand, or restrict any certification to practice as a certified EMS professional or otherwise discipline an individual in accordance with R.S. 40:1232.6.

B. Every individual subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer or committee.

C. A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by R.S. 40:1232.6, may be made by any person, staff, agency or the commission. Such complaints shall be in writing, and on a form prescribed by the commission or affixed to the form prescribed by the commission.

D. Grounds for disciplinary proceedings against a certified EMS professional are specified in R.S. 40:1232.6:

1. is guilty of selling or attempting to sell, falsely obtaining, or furnishing to a person a certified emergency medical technician or certified first responder certification document;

2. is guilty of a felony or is convicted of a crime or offense which reflects the inability to practice EMS with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non-adjudication or pardon;

3. is unfit or incompetent by reason of negligence, habit, or other cause;

4. is habitually intemperate in the use of or abuses alcohol or habit-forming drugs;

5. has demonstrated actual or potential inability to practice EMS with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice EMS with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition;

6. is mentally incompetent;

7. has had a certification to practice EMS or to practice as another health care provider denied, revoked, suspended, or otherwise restricted;

8. is guilty of moral turpitude;

9. has violated any provision of this Subpart;

10. is guilty of aiding or abetting another person in the violation of this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§505. Proceedings Involving Students Enrolled in EMS Courses

A. The commission may direct the Bureau of Emergency Medical Services to deny, revoke, suspend, probate, limit, reprimand or restrict any student enrollment in EMS courses, or otherwise discipline a student enrolled in EMS courses or attempting to enroll in EMS courses as part of its duties and responsibilities in regulating the practice of EMS in Louisiana and in overseeing the administration of the curriculum and operation of EMS education programs in the state of Louisiana.

B. Every student enrolled or attempting to enroll in EMS courses subjected to the proceedings set forth above, shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer.

C. Information obtained by the commission that a EMS student enrolled or attempting to enroll in EMS courses is or has engaged in any conduct prescribed by R.S. 40:1232.6., shall be received in a form prescribed by the commission. This information may be furnished by any person, staff, agency or by the commission.

D. Grounds for proceedings against a student enrolled or attempting to enroll in EMS courses are:

1. all of the grounds for disciplinary proceedings against certified EMS professional listed in Section D. of Proceedings Against Certified EMS Professional or Certified EMS Professional Applicants;

2. has been denied a request to enroll in EMS courses or has been denied a Certification to practice in any health care field or had such privileges revoked, suspended or otherwise restricted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§507. Definition of Terms

A. The commission in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

*Aiding and Abetting*Cto intentionally assist anyone by condoning, or to apply positive or negative force to assist

anyone in violating the Emergency Medical Services Practice Act or the rules and regulations of the commission or bureau.

*Deny*Cto refuse for cause.

*Habit*Ca mode of behavior, which an individual acquires over a period of time.

*Limit*Cto confine within certain bounds.

*Mentally Incompetent*Ca court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

*Moral Turpitude*Can act, which is dishonest, or contrary to good morals.

*Negligence*Ca breach of duty of care owed to an individual.

*Other Causes*Cincludes, but is not limited to:

a. failure to practice EMS in accordance with the standards of EMS practice;

b. possessing a physical impairment or mental impairment, which interferes with the judgment, skills or abilities required for the practice of EMS;

c. failure to utilize appropriate judgment;

d. failure to exercise technical competence in carrying out EMS care;

e. violating the confidentiality of information or knowledge concerning the patient;

f. performing procedures beyond the authorized scope of EMS or any specialty thereof;

g. performing duties and assuming responsibilities within the scope of the definition of EMS practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

h. improper use of drugs, medical supplies or equipment, patient's records, or other items;

i. misappropriating items of an individual, agency, or entity;

j. falsifying records;

k. failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient;

l. delegating or assigning EMS care, functions, tasks, or responsibilities to others contrary to regulations;

m. leaving a EMS assignment without properly notifying appropriate personnel;

n. failing to report to the Bureau of Emergency Medical Services, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

o. has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS, or a state or federal narcotics or controlled substance law;

p. inappropriate, incomplete or improper documentation;

q. use of or being under the influence of alcoholic beverages, illegal drugs or drugs which impair judgment while on duty;

r. failure to cooperate with the commission or bureau by:

i. not furnishing in writing a full and complete explanation covering a matter requested by the commission or bureau; or

- ii. not responding to subpoenas issued by the commission in connection with any investigation or hearing;
- s. exceeds professional boundaries, including but not limited to sexual misconduct; and
- t. use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

Probate Cto stay a sentence of certification suspension during good behavior and placing under supervision of Bureau for a period of time. Certification is marked "probated" and specific requirements are identified.

Professional Boundaries Cthe limits of the professional relationship that allow for a safe therapeutic connection between the professional and the patient.

Reprimand Cwritten communication to the individual stating the commission's concerns, and public notification of the individual's name and reason for the reprimand.

Restrict Cto limit or restrain EMS practice by settings, types of patients, or other means.

Reasonable Skill and Safety Cpracticing EMS in accordance with the standards of EMS practice.

Revoke Cto annul or make void by calling back. Revocation of certification shall be indefinite as to the practice of EMS in Louisiana.

Sexual Misconduct Can extreme boundary violation which involves the use of power, influence and/or knowledge inherent in one's profession in order to obtain sexual gratification, romantic partners and/or sexual deviant outlets. Any behavior that is seductive, sexually demeaning, harassing or reasonably interpreted by a patient as sexually inappropriate, is a violation of the EMS professional's fiduciary responsibility to the patient.

Suspend Cto hold certification to practice as a certified EMS professional in abeyance for a definite or an indefinite period of time.

Unfit or Incompetent Cunsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§509. Disciplinary Process and Procedures

A. The provisions of the Administrative Procedure Act shall govern proceedings on questions of violation of R.S. 40:1231 et seq., as re-enacted and amended.

1. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

2. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the individual did certain acts and, if he did, whether those acts violated the Emergency Medical Services Practice Act or rules and regulations of the commission or bureau; and to determine the appropriate disciplinary action.

3. Any disciplinary action shall also be forwarded to the National Registry of Emergency Medical Technicians (NREMT), as applicable, and any other certification agency and/or required reporting entity.

B. Investigation

1. The process of a disciplinary proceeding shall include certain steps and may include other steps as follows.

a. The bureau or commission receives information alleging that an individual has acted in violation of the Emergency Medical Services Practice Act. Communications from the informant shall be privileged and shall not be revealed to any person unless such documents will be offered for evidence in a formal hearing, or unless those documents are subpoenaed by a court, or requested by other regulatory or law enforcement agencies.

b. The information is investigated by the bureau's staff to determine if there is sufficient evidence to warrant disciplinary proceedings. Information received by the bureau or commission shall not be considered a complaint until the individual furnishing that information provides the information in writing. The commission chair or designee may issue a subpoena prior to the filing of charges if, in the opinion of the chair, such a subpoena is necessary to investigate any potential violation or lack of compliance with R.S.40:1231 et seq., or the rules, regulations, or orders of the bureau or commission. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

2. An agreement worked out between the complainant and the individual does not preclude disciplinary action by the commission. The nature of the offense alleged and the evidence before the commission must be considered.

C. Informal Disposition of with No Disciplinary Action

1. Some allegations may be settled informally by the commission and the individual, without formal disciplinary action. The following types of informal dispositions may be utilized.

a. Disposition by Correspondence

i. For less serious allegations, the chair, or a designee of the commission, may write to the individual explaining the nature of the information received. The individual's subsequent response may satisfactorily explain that no violation of the Emergency Medical Services Practice Act, or rules, or order of the commission or bureau occurred, or that the matter does not rise to the level requiring formal disposition at this time, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be investigated and disposed of through another informal means or brought before the commission for a formal hearing.

b. Informal Conference

i. The chair, or a designee of the chair, and another member of the commission or a bureau staff member may hold a conference with the individual, in lieu of, or in addition to correspondence, in cases of less serious allegations. If the respondent can satisfactorily explain that no violation of the Emergency Medical Services Practice Act, or rules, or order of the commission or bureau occurred, or that the matter does not rise to the level requiring formal disposition at this time, then the matter may be dismissed.

ii. The individual shall be given adequate notice of the fact that information brought out at the conference may later be used in a formal hearing.

iii. Referral to an alternative to the disciplinary process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§511. Formal Disciplinary Action

A. A decision to initiate formal disciplinary proceedings is made if one or more of the following conditions exist:

1. the complaint is sufficiently serious;
2. the individual fails to respond to the commission's correspondence concerning the complaint;
3. the individual's response to the commission's letter or investigative demand is not convincing that no action is necessary;
4. an informal approach is used, but fails to resolve all of the issues.

B. Informal Procedures

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of certification, Consent Order, or Settlement Order. These actions shall constitute disciplinary action and shall be a public record of the commission. The commission shall publish the individual's name, a brief description of the violation, and the disciplinary action.

C. Voluntary Surrender of Certification. An individual who is under investigation for violation of the practice act or rules of the commission or bureau may voluntarily surrender his certification to the bureau. The voluntary surrender invalidates the certification at the time of its relinquishment. An individual practicing as a certified EMS professional during the period of voluntary certification surrender is considered an illegal practitioner and is subject to the penalties provided by this chapter and RS 40.1231 et seq.

1. Any certification surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of certification surrender shall be deemed a disciplinary action and shall be reported and distributed in the same manner as final decisions of the commission.

2. Surrender or non-renewal of certification shall not preclude the commission from investigating or completing a disciplinary proceeding based upon the individual's conduct prior to or subsequent to the surrender of certification.

3. Individuals who surrender their certification are not eligible for reinstatement of certification for a minimum of two years and until meeting the requirements for reinstatement of certification as described in this chapter.

D. Consent Order

1. An order involving some type of disciplinary action may be made by the commission with the consent of the individual.

2. The chair or the Bureau of EMS Director is authorized to offer the individual the choice of a Consent Order in lieu of an Administrative Hearing.

3. A Consent Order signed by an individual is an irrevocable offer by the individual until approved, or rejected, by the commission chair or designee.

4. A Consent Order requires formal approval of a quorum of the commission. All actions of the bureau shall be reported to the commission at its next regularly scheduled meeting.

5. A Consent Order is not the result of the commission's deliberation; it is the commission's formal approval of an agreement reached between the commission and the individual. The order is issued by the commission to carry out the parties' agreement.

a. Should the commission require evidence before arriving at a decision, the individual shall be notified and given an opportunity for a hearing.

b. Should the commission revise the terms of the agreement, said revised agreement shall be presented for the individual's acceptance. The commission may formulate its order contingent upon the individual's acceptance.

c. The commission shall have the right to refer any case directly to an Administrative Hearing without first offering a Consent Agreement.

E. Settlement Order

1. Disciplinary Settlement Committee, consisting of the chair, or a designee of the chair, and another member of the commission or a bureau staff member, is delegated the authority to render a final decision regarding settlement of a contested administrative matter by offering a Settlement Order in lieu of an administrative hearing. The Settlement Order shall be deemed an Order of the commission, effective immediately upon signature of all parties to the agreement.

a. The Disciplinary Settlement shall be submitted to the commission for review at the next regularly scheduled disciplinary hearing.

b. Should the Disciplinary Settlement Committee be unable to successfully resolve a case, or should the Committee believe that the public would be better protected by a decision rendered by the entire commission, the matter will be forwarded to the commission for a formal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§513. Formal Hearing

A. The commission has the authority, granted by R.S. 40:1232.3, to bring administrative proceedings to certified EMS professionals, applicants for certification, individuals seeking enrollment or progression in an approved EMS program, and individuals practicing EMS without certification. The commission and the individual are the parties to the proceeding. The individual has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. Notice and Service

1. The chair or a designee fixes a time and place for a hearing.

2. At least 15 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by certified mail, return receipt requested, to the individual's address of record. Notice to an individual is effective and service is complete when sent by certified mail to the individual's address of record.

3. At least five working days prior to the scheduled hearing date, the individual shall respond in writing as to his intention to appear or not appear at the scheduled hearing. At least five working days prior to the scheduled hearing date, the individual shall also file with the commission a written

response to the specific allegations contained in the notice of charges. Allegations not specifically answered shall be deemed admitted.

4. If the individual does not appear, in person or through counsel, after proper notice has been given, the individual has waived these rights and the commission may proceed with the hearing without the presence of the individual.

C. Motions for Continuance

1. The commission shall not postpone cases that have been scheduled for hearing absent good cause. A written motion by a certified EMS professional, applicant, or student for a continuance shall be filed with the commission five working days prior to the time set for the hearing, except for extreme emergencies. The motion shall contain the reason for the request, which reason must be based upon good cause and have relevance for due process. Requests for continuances may be approved or denied by the chair or designee. No more than three requests for continuance shall be granted.

D. Subpoenas

1. The chair, or a designee of the commission, issues subpoenas for the commission for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

- a. a subpoena requiring a person to appear and give testimony;
- b. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has control.

E. Hearing

1. The hearing is held, at which time the commission's primary role is to hear evidence and argument, and to reach a decision. Any commission member, who because of bias or interest is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the commission members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

2. The commission shall be represented by a Department of Health and Hospitals' attorney. Evidence is presented that disciplinary action should be taken against the individual. The individual may present evidence personally or through an attorney, and witnesses may testify on behalf of the individual.

3. Evidence includes the following:

- a. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by requesting party) and/or by sworn affidavits;
- b. documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports; such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference, if the incorporated materials are available for examination by the parties before being received into evidence;
- c. visual, physical and illustrative evidence;
- d. admissions, which are written or oral statements of a party made either before or during the hearing;

e. facts officially noted into the record, usually readily determined facts making proof of such unnecessary.;

f. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

4. The chair of the commission presides and the customary order of proceedings at a hearing is as follows.

a. The chair of the commission presents the case against the individual.

b. The individual, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The individual commission members ask relevant questions.

d. The individual, or his attorney, may make any statements or questions to the commission.

e. The chair of the commission makes the final statement.

f. The commission may impose reasonable time limits on all sides in a hearing, provided that limits will not unduly prejudice the rights of the parties.

g. The commission may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record.

h. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

i. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

5. The records of the hearing shall include:

- a. all papers filed and served in the proceeding;
- b. all documents and other materials accepted as evidence at the hearing;
- c. statements of matters officially noticed;
- d. notices required by the statutes or rules, including notice of the hearing;
- e. affidavits of service or receipts for mailing or process or other evidence of service;
- f. stipulations, settlement agreements or consent orders, if any;
- g. records of matters agreed upon at a pre-hearing conference;
- h. orders of the commission and its final decision;
- i. actions taken subsequent to the decision, including requests for reconsideration and rehearing;
- j. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record.
- k. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript. A party who appeals a decision of the commission shall pay all of the costs incurred by the Department of Health and Hospitals for preparation of the original and any certified copy of the record of the proceeding that is required to be transmitted to the reviewing court.

6. The decision of the commission shall be reached according to the following process.

a. Determine the facts in the issue on the basis of the evidence submitted at the hearing.

b. Determine whether the facts in the case support the charges brought against the individual.

c. Determine whether charges brought are a violation of the Emergency Medical Services Practice Act or rules and regulations of the commission or the bureau.

7. The vote of the commission shall be recorded. Minority views may be made part of the record.

8. Sanctions against the individual who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by certified mail of the decision of the commission.

F. Disciplinary Sanctions

1. The type of disciplinary sanctions and length of time specified for the sanctions shall be determined on an individual basis, considering all facts pertinent to the case.

2. The commission sets forth guidelines with ranges of disciplinary sanctions from which disciplinary penalties may be imposed. These guidelines are intended to serve only as a guide for staff and commission members when considering penalties, which could be imposed for specific violations of the Emergency Medical Services Practice Act. Guidelines are in no way binding on the commission when dealing with disciplinary matters. The commission may order certification sanctions.

3. The disciplinary guidelines are based upon a single count violation. Multiple counts of violations of the same action, or other unrelated violations contained in the same complaint will be grounds for enhancement of penalties. Each day of a continuum of violations may be treated as a separate violation.

4. In determining sanctions, the staff shall consider aggravating or mitigating circumstances identified by the commission in addition to any other factors. The list of aggravating and mitigating circumstances in the guidelines is not to be considered an exclusive list of circumstances.

a. Aggravating circumstances may result in the commission issuing maximum sanctions, or they may justify enhancement of a penalty beyond the maximum guidelines.

b. Mitigating or extenuating circumstances may justify lessening of the sanctions below the minimum guidelines. Certification suspensions may be stayed with stipulated probations in some extenuating circumstances.

5. The Order may stipulate remedial education, specific evaluation and therapy, and other sanctions as deemed necessary and appropriate to the case.

G. Reconsideration or Rehearing

1. The commission shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the commission's decision has been appealed.

2. The commission may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party files a petition requesting that the decision be reconsidered by the commission and specifies the particular grounds therefore.

3. A petition by a party for reconsideration or rehearing must be in proper form and filed within 10 days from the date of entry of the decision. A decision is deemed to be entered when it is signed by the chair or designee and sent by certified mail to the individual's address of record. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

a. the commission's decision is clearly contrary to the law and the evidence;

b. there is newly discovered evidence, which was not available to the individual at the time of the hearing and which may be sufficient to reverse the commission's action.;

c. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly;

d. it would be in the public interest to further consider the issues and the evidence;

e. upon the commission's receipt of a petition for rehearing or reconsideration, the commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the above stated reasons. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

H. Emergency Action

1. If the commission finds that public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a certification may be ordered by the chair or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next regularly scheduled commission meeting.

I. Disciplinary Proceedings in another Licensing Jurisdiction

1. When a certified EMS professional has his certification revoked, suspended, denied or sanctioned in other ways for disciplinary reasons by the original certification/licensing jurisdiction or by a subsequent certification/licensing authority that certified EMS professional shall be notified that his Louisiana Certification is automatically suspended, except for the following:

a. nonpayment of fees;

b. a person in a recovery program for chemical dependency receives permission of the state of origin to transfer to another state;

c. the certified EMS professional is issued a reprimand and the certified EMS professional agrees to having his Louisiana Certification reprimanded identically to, or in excess of, the said jurisdiction's reprimand; and

d. the certification is encumbered with a reprimand with stipulations and the certified EMS professional agrees to having his Louisiana Certification probated with stipulations that are identical to, or exceed, the stipulations in said jurisdiction.

2. The certified EMS professional may have his certification reinstated provided that the certified EMS professional:

a. provides evidence of an unencumbered certification by the involved certification/licensing authority and all subsequent certification/licensing authorities; and

b. meets requirements for reinstatement of certification as described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§515. Appeal from Commission Decision

A. Any person whose certification has been revoked, suspended, denied, or otherwise disciplined by the bureau shall have the right to have the proceedings of the commission reviewed by the court having jurisdiction over the commission, provided that such appeal is made within 30 days after the date indicated on the registered mail receipt of the written notice of the commission's decision. The commission's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§517. Reinstatement of Certification

A. Application for reinstatement of a suspended or surrendered certification shall be in writing.

B. The application for reinstatement of a suspended certification does not require satisfaction of the requirements for initial certification. However, the requirements of LAC 46:XXXVIII shall be met.

C. Prior to reinstatement of a certification previously suspended (except for nonpayment of fees), a hearing or conference is held before the commission to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the commission to evaluate changes in the person or conditions. In certain situations, the certification may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove that conditions that led to the suspension no longer exist and/or no longer affect applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

§519. Definition of Terms Applying to EMS Practice as used in this Chapter

Accountability Cbeing answerable for one's actions or inactions. The certified EMS professional answers to self, patient, agency, profession and society for the effectiveness and quality of EMS care rendered. It is the personal responsibility of each individual to maintain competency in practice. If the assigned EMS professional does not possess the specialized EMS knowledge, skills and abilities required to provide the required care, said professional shall notify the appropriate supervisory EMS personnel.

Additional Acts Cactivities beyond those taught in basic EMS education programs. Additional acts are authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Certified EMS professional are accountable for attaining and

maintaining competency when performing approved additional acts.

Assessing Health Status Cgathering information relative to physiologic, behavioral, sociologic, spiritual and environmental impairments and strengths of an individual by means of the patient history, physical examination, and observation, in accordance with the department's Standards of EMS Practice.

Assignment Cdesignating EMS activities to be performed by an individual consistent with his scope of practice.

Care Supportive to or Restorative of Life and Well-being Cactivities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the department's Standards of EMS Practice.

Case Finding Cidentifying human responses, which indicate existing, or potential unwell ness.

Collaborating Ca process involving two or more health care professionals working together, though not necessarily in each other's presence, each contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.

Delegating EMS Interventions Ctrusting the performance of selected EMS tasks by the certified EMS professional to other competent EMS personnel in selected situations. The certified EMS professional retains the accountability for the total EMS care of the individual. The certified EMS professional is responsible for and accountable to each consumer of EMS care for the quality of EMS care he receives, regardless of whether the care is provided solely by the certified EMS professional or by the certified EMS professional in conjunction with other licensed or unlicensed personnel.

1. The certified EMS professional shall assess the patient care situation which encompasses the stability of the clinical environment and the clinical acuity of the patient, including the overall complexity of the patient's health care problems. This assessment shall be utilized to assist in determining which tasks may be delegated and the amount of supervision which will be required.

2. Any situation where tasks are delegated should meet the following criteria:

- a. the person has been adequately trained for the task;
- b. the person has demonstrated that the task has been learned;
- c. the person can perform the task safely in the given EMS situation;
- d. the patient's status is safe for the person to carry out the task;
- e. appropriate supervision is available during the task implementation;
- f. the task is in an established policy of the EMS practice setting and the policy is written, recorded and available to all.

Evaluating Human Responses to Interventions Cmeasuring the effectiveness of the EMS actions in achievement of established goals.

Executing Health Care Regimes as Prescribed by a Licensed Physician Ccarrying out the medical orders of a physician licensed in Louisiana.

1. Certified EMS professionals may, based on their individual judgment of each situation, accept verbal orders initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice.

2. Certified EMS professionals may execute standing orders of a licensed physician provided the said physician initiates the standing orders and provided, further, that the said orders do not require the EMS professional to make a medical diagnosis or to engage in prescriptive activity.

Goals to Meet Identified Health Care Needs Statements which facilitate the patient's achievement of expected outcomes of care.

Health Instruction Those EMS measures that provide health information and explanation.

Maintaining EMS Care Rendered Directly or Indirectly Preserving the continuity of safe and effective EMS care, including the delegated EMS activities.

Managing and Supervising the Practice of EMSC Those activities which serve to fulfill the accountability of the certified EMS professional for the total EMS care of the individual when tasks in the EMS care are delegated to other EMS personnel. These activities include:

1. judging the priority of EMS needs of the individual(s);
2. determining actions required to meet the needs;
3. assigning personnel, including self, qualified to implement the prescribed EMS care components of that care;
4. providing information needed by personnel for the implementation of the assigned EMS care and ascertaining the assimilation of same information;
5. directing the EMS care and evaluating the outcomes of that care;
6. determining and initiating changes in EMS care or in assignment of EMS personnel.

Medical Diagnosis The conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment. Ordinarily, the pronouncement of death requires a medical diagnosis. However, in a non-acute care setting, when an anticipated death has apparently occurred, certified EMS professional may cause to have the decedent removed to the designated funeral home in accordance with a standing order of a medical director/consultant setting forth basic written criteria for a reasonable determination of death.

Medical Prescriptions Medical interventions. These include all medications and medical treatments of therapeutic or corrective nature.

Planning EMS Care Measures Documenting all activities, to be performed by the certified EMS professional or delegated to other EMS personnel, which facilitate achievement of expected patient care outcomes.

Specialized Knowledge and Skills Required for the practice of EMS means the current theory and practice taught in basic EMS education programs preparing persons for certified EMS professional certification as well as information in the biological, physical and behavioral sciences.

Student EMS Professional A person who is engaged in learning experiences in a program of study leading to candidacy for certification to practice as a certified EMS

professional. The term applies only when the person is participating in an integral part of the program of study.

Teaching the Theory and Practice of EMSC Instructing basic or advanced EMS students and providing continuing EMS education to certified EMS professionals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Medical Services Professionals, Emergency Medical Services Certification Commission, LR 29:

Chapter 7. Administrative Provisions

Subchapter A. Fees and Costs Reserved

Family Impact Statement

The proposed Rules have no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Gene Salassi, Chairman, EMS Certification Commission, 161 Third Street, Baton Rouge, LA 70801, or by facsimile to (225) 342-4876. All comments must be submitted by 4:30 p.m. on December 10, 2002.

Gene Salassi

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: EMS Certification

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

A projected onetime implementation cost of approximately \$1,836 in FY 02-03 is directly attributed to cost incurred in publishing the notice of intent and the final rule in the Louisiana Register. Notification of the rule will also be published at no additional costs on the Department of Health and Hospital/Office of Public Health website and other free sites. The proposed rule will not require any other costs nor any savings during FY 02-03 or subsequent fiscal years

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

The proposed rule should have a revenue neutral effect on revenue collections by state and local governmental units. The proposed rule does not propose to change certification fees as currently assessed during the current Emergency Medical Services (EMS) certification process.

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

There will be no costs for the general public or EMS unless they are personally involved in a hearing before the commission. If this occurs, the individuals are responsible for complying with terms of the subpoena, i.e., attending hearing in Baton Rouge, securing attorney if desired, securing and/or copying and mailing support documents. It is impossible to determine estimate due to all variables.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This should not effect competition but may effect employment because it is possible that an individual appearing before the commission may be denied certification as an Emergency Medical Technician (EMT) or have their certification suspended or revoked depending upon the severity of the offense.

Madeline W. McAndrew
Assistant Secretary
0211#084

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Radiologic Technology Board of Examiners

Actions before the Board and Licensure
(LAC 46:LXVI.Chapters 7 and 11)

In accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:950, et. seq., notice is hereby given that the Department of Health and Hospitals, Radiologic Technology Board of Examiners, pursuant to the authority vested in the board by R.S. 37:3207, intends to amend LAC 46:LXVI.Chapter 7, Informal Proceeding/Consent Order and LAC 46:LXVI.Chapter 11, Licensure by Examination, Application for Examination and Modifications to Submitted Information.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVI. Radiologic Technologists

Chapter 7. Actions Before the Board

§705. Informal Proceeding/Consent Order

A. Informal Proceeding

1. The allegation(s) against a licensee may be concluded through informal proceedings without the necessity of a formal hearing if the Board Chair and/or designee does not deem the allegation(s) to be sufficiently serious to necessitate the convening of a formal hearing. The informal resolution of the allegation(s) may be accomplished through correspondence between the Executive Director and the licensee; by conference of the Executive Director and the licensee; or by consent order between the licensee and the Board.

2. The Executive Director shall be authorized by the Board to propose a recommended consent order to the licensee which would outline the details of disciplinary action between the parties as a consequence of the allegations.

B. The proposed consent order offered by the Board through its Executive Director shall not be deemed as absolute and final until such time as the Board ratifies the provisions of the said order.

C. A consent order between the Board and the licensee or prospective licensee shall describe the disciplinary action which will be taken. The consent order shall be signed by the licensee or prospective licensee, the Chairman and the Vice-Chairman of the Board.

D. If a matter is not concluded by informal proceedings and a formal hearing is deemed necessary by the Board Chair and/or designee, a formal hearing shall be initiated pursuant to the provisions of §707 A, et. seq.

E. If, at any point during investigation or during informal/formal proceedings as described herein, the Board finds that public health, safety, or welfare imperatively requires emergency actions, the Board is hereby authorized to immediately suspend the license of the licensee during the course of the proceedings. If the Board decides to institute a

formal hearing, the hearing shall be instituted and conducted at the Board's next regularly scheduled Board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:869 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 19:1433 (November 1993), LR 29:

Chapter 11. Licensure

§1109. Licensure by Examination

A. Pursuant to R.S. 37:3207 and 3209, an application for licensure shall be required to pass the written examination of the Louisiana State Radiologic Technology Board of Examiners which shall be the examination constructed by the American Registry of Radiologic Technologists (ARRT) for each category of radiologic technology, except as otherwise provided above.

1. To be eligible for examination by the board, an applicant shall possess all qualification for licensure prescribed by R.S. 37:3208, provided, however, that an applicant who has completed or prior to examination will have completed his approved course of study, shall be deemed eligible for examination upon submission to the board of a letter from the program director of a board approved school or college of radiologic technology certifying that the applicant will complete or has completed his/her radiologic technology course of study prior to examination and specifying the date of completion.

B. The board establishes as the passing criterion on the ARRT written examination the passing score as established by the ARRT.

C. The eligible applicant must request and submit application to the ARRT for licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207, R.S. 37:3208 and R.S. 37:3209.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:873 (September 1985), LR 29:

§1111. Application for Initial Licensure/Temporary Work Permit by Examination

A. Requests for application forms shall be requested and submitted to the state board.

B. Pursuant to R.S. 37:3210(C), a temporary work permit shall be issued one time only and for the time listed on the temporary work permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207 and R.S. 37:3209.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:873 (September 1985), LR 29:

§1115. Modifications to Submitted Information

A. Address or Name Changes. If a licensure/temporary work permit applicant must change the mailing address which was entered on the application form, the examinee must inform the board in writing. Changes in the examinee's name are to be handled in the same manner, but must be accompanied by documentary evidence of the change (e.g.,

copy of marriage certificate, legal name change form, etc. cetera). If an admission ticket fails to reach a candidate due to a change of address that was not relayed to the board, the candidate may not be allowed into the examination center. No address or name changes will be processed at the examination center. All changes must be sent directly to the board by the candidate.

B. Postponements. Applicants are expected to appear for examination as assigned. When circumstances make it impossible for an examinee to appear for examination on the date assigned, the examinee may request rescheduling. Requests for rescheduling must be made in writing and submitted to the ARRT as per their rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:873 (September 1985), LR 29:

Interested persons may submit written comments until 4:30 p.m., December 10, 2002, to Richard S. Whitehorn, Louisiana State Radiologic Technology Board of Examiners, 3108 Cleary Avenue, Suite 207, Metairie, LA 70002.

Richard S. Whitehorn
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Actions before the Board and Licensure**

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

It is anticipated that the implementation of this proposed rule change will have no fiscal impact for SFY 2002-03, 2003-04, or 2004-05. It is anticipated that \$75 will be expended in SFY 2002-03 for the state's administrative expense for promulgation of this proposed rule amendment and the final Rule.

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

It is anticipated that the implementation of this proposed rule amendment will not impact state or local revenue collections.

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

Implementation of this proposed rule amendment will not affect either costs or savings to directly affected persons or non-governmental groups. The changes are procedural in nature and are intended to better explain the licensing process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Richard S. Whitehorn, L.R.T.
Executive Director
0211#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Definitions, General Provisions/Authority of the Division, Imposition of Sanctions, Application and License, Surveillance and Division Room Requirements, Enforcement Actions of the Board (LAC 42:VII.1701, 2101, 2325; IX. 2101, 4103; XI. 2405; XIII.1701, 2101, 2325, 3305)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII.1701, 2101, 2325, IX.2101, 4103, XI.2405, XIII.1701, 2101, 2325, and 3305, in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 17. General Provisions

§1701. Definitions

A. As used in the regulations, the following terms have the meaning described below.

* * *

Affiliate Any person who directly or indirectly controls, is controlled by, or is under common control of another person.

* * *

Person Any individual, partnership, association, joint stock association, trust, corporation, or other business entity whether incorporated or not.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:728 (April 2000), LR 29:

Chapter 21. Licenses and Permits

§2101. General Authority of the Board and Division

A. The board and/or the division shall have the authority to call forth any person who, in the board and/or division's opinion, has the ability to exercise influence over a licensee, permittee, applicant or the gaming industry, and such person shall be subject to all suitability requirements. In the event a person is found unsuitable, then no licensee, permittee or applicant shall have any association or connection with such person. No licensee, permittee or applicant shall have any association or connection with any person that has had an application for a license or permit denied or had a license or permit revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), LR 29:

Chapter 23. Compliance, Inspections, and Investigations

§2325. Imposition of Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

4209	Approval of New Electronic Gaming Devices	5,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1321 (June 2000), amended LR 27:225 (December 2001), LR 28:1028 (May 2002), LR 29:

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporation

Chapter 21. Applications; Suitability, Permitting and Licensing

§2101. General Provisions

A. The board and/or division shall have the authority to call forth any person who, in the board and/or division's opinion, exercises influence over the Casino Operator, Casino Manager, a Permittee, an Applicant or the gaming industry, and such person shall be subject to all suitability requirements. In the event a person is found unsuitable, then no Casino Operator, Casino Manager, Permittee or Applicant shall have any association or connection with such person. No Casino Operator, Casino Manager, Permittee or Applicant shall have any association or connection with any person that has had an application for a license or permit denied or had a license or permit revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), LR 29:

Chapter 41. Enforcement Actions

§4103. Enforcement Actions of the Board

- A. - B. ...
- C. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

4209	Approval of New Electronic Gaming Devices	5,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (October 2001), LR 28:344 (February 2002), LR 28:1029 (May 2002), LR 29:

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2405. Application and License

A. New and Renewal Applications

1. All applications for a license shall be submitted on forms provided by the division and mailed to: Louisiana State Police, Gaming Enforcement Section, Video Gaming Division, at the address provided by the division.

2. - 15. ...

B. Requirements for Licensing

1. - 3.b. ...

c. If a licensee fails to file a complete renewal application on or before forty five days prior to the license expiration date, the division may assess a civil penalty of \$250 for the first violation, \$500 for the second violation and \$1000 for the third violation.

4. The appropriate annual fee shall be paid by all licensees regardless of the expiration date of the license on or before July 1 of each year.

5. If a renewal application has not been filed with the division on or before 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.

B.6. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 17. General Provisions

§1701. Definitions

A. As used in the regulations, the following terms have the meaning described below.

Affiliate Any person who directly or indirectly controls, is controlled by, or is under common control of another person.

Person Any individual, partnership, association, joint stock association, trust, corporation, or other business entity whether incorporated or not.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.; R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1139 (November 1996), LR 24:344 (February 1998), LR 26:1317 (June 2000), LR 29:

Chapter 21. Licensees and Permits

§2101. General Authority of the Division

A. The board and/or division shall have the authority to call forth any person who, in the board and/or division's opinion, exercises influence over a licensee, permittee,

applicant or the gaming industry, and such person shall be subject to all suitability requirements. In the event a person is found unsuitable, then no licensee, permittee, or applicant shall have any association or connection with such person. No licensee, permittee, or applicant shall have any association or connection with any person that has had an application for a license or permit denied or had a license or permit revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.; R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), LR 29:

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

4209	Approval of New Electronic Gaming Devices	5,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 26.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Gaming Control Board, IR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:

Chapter 33. Surveillance and Security

§3305. Surveillance and Division Room Requirements

A. There shall be, for the exclusive use of division agents and for the use by employees of the riverboat gaming operation, rooms approved by the division for monitoring and recording purposes. The room for the exclusive use of the division shall be designated the division room. The room for the use of the employees of the riverboat gaming operation shall be designated the surveillance room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.; R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1559 (September 2001), LR 29:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953.A, the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of adopting LAC 42:VII, XIII.1701, VII, IX, XIII.2101, VII, XIII.2325, XI.2405, XIII.3305 and IX.4103.

It is accordingly concluded that adopting LAC 42:VII, XIII.1701, VII, IX, XIII.2101, VII, XIII.2325, XI.2405, XIII.3305 and IX.4103 would appear to have a positive yet inestimable impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;

3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 342-2465, and may submit comments relative to these proposed Rules, through December 10, 2002, to 39 Florida Street, Suite 500, Baton Rouge, LA 70801.

Hillary J. Crain
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Definitions, General Provisions/Authority of the Division, Imposition of Sanctions, Application and License, Surveillance and Division Room Requirements, Enforcement Actions of the Board

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

It is anticipated that there will be no direct implementation costs or savings to state or local government units.

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

No significant effect on revenue collections is anticipated. A penalty has been added to the penalty schedule contained in LAC 42:VII, XIII.2325 and IX.4103 for violation of Section 4209, however the number of penalties which may be assessed for violation of Section 4209 is indeterminable although expected to be minimal.

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

Costs will be incurred by riverboat licensees intending to construct landside surveillance facilities pursuant to proposed amendments to LAC 42:XIII.3305, however the rule change does not cause increased costs but rather allows licensees to incur costs at their discretion.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is estimated.

Hillary J. Crain
Chairman
0211#081

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

Child Care Assistance Programs CIncentive Bonuses
(LAC 67:III.5102 and 5107)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 12, Child Care Assistance.

Pursuant to Act 152 of the 2002 First Extraordinary Session of the Louisiana Legislature, funds from Louisiana's Temporary Assistance for Needy Families (TANF) Block

Grant were appropriated for improving the quality of low-income child care. With this goal in mind, the agency intends to increase the incentive bonus paid to Class A providers who attain National Association for the Education of Young Children (NAEYC) accreditation. Attaining and maintaining accreditation by NAEYC is a costly, time-consuming, and demanding endeavor for most Class A providers. The agency intends to increase the bonus from its current 10 percent to 20 percent of all child care payments made the prior quarter, in order to encourage more Class A providers to become accredited and to maintain their accreditation.

Additionally, the agency is offering an incentive bonus to Family Child Day Care Home (FCDC) providers who participate in the Department of Education (DOE) Child and Adult Care Food Program. The goal is to increase the quality of child care by encouraging FCDC providers to participate in the DOE Child and Adult Care Food Program. Adherence to this program's requirements will ensure the provision of nutritious meals to children as the program requires meal plans, designated serving times, and strict record keeping of meals and attendance by the FCDC providers. Program inspectors will monitor operation and compliance with program rules through home visits.

These changes were effected by Declaration of Emergency effective October 1, 2002. Authorization for emergency action in the expenditure of TANF funds is contained in Act 13 of the 2002 Regular Session of the Louisiana Legislature.

A final Rule published in the June 20, 2002 issue of the Louisiana Register amended Subchapter B, §5102. By failing to show the definitions for Full-Time Care and Part-Time Care, the definitions have been effectively removed from LAC 67:III beginning July 1. (Rules promulgated by the Office of Family Support are effective the first of the month following the publication of the final Rule, unless otherwise stated within the Rule.) Therefore, these definitions are being repromulgated through this Notice of Intent.

Title 67
SOCIAL SERVICES

Part III. Family Support

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance Program

Subchapter B. Child Care Assistance Program

§5102. Definitions

* * *

Full-Time Care Authorized child care calculated to be 30 or more hours per week that is paid in units of days with a maximum of 22 days per month.

* * *

Part-Time Care Authorized child care calculated to be less than 30 hours per week, paid in units of hours (total per day may not exceed daily rate) up to a maximum of 129 hours per month.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:2826 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:

§5107. Child Care Providers

A. - E.4. ...

F.1. Quality incentive bonuses are available to:

a. CCAP eligible Class A providers who achieve and maintain National Association for the Education of Young Children (NAEYC) accreditation. The bonus will be paid once each calendar quarter, and will be equal to 20 percent of all child care payments received during the prior calendar quarter by that provider from the certificate portion of the Child Care and Development Fund.

b. CCAP eligible Family Child Day Care Home (FCDC) providers who participate in the Department of Education (DOE) Child and Adult Care Food Program. The bonus will be paid once each calendar quarter, and will be equal to 10 percent of all child care payments received during the prior calendar quarter by that provider from the certificate portion of the Child Care and Development Fund.

2. These bonus amounts may be adjusted at the discretion of the Assistant Secretary, based upon the availability of funds.

G. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 152, 2002 First Extraordinary Session, Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:

Family Impact Statement

1. What Effect Will This Rule Have on the Stability of the Family? This rule will have no effect on the stability of the family.

2. What Effect Will This Have on the Authority and Rights of Persons Regarding the Education and Supervision of Their Children? This rule will have no impact on a person's authority or rights concerning their child's education and supervision.

3. What Effect Will This Have on the Functioning of the Family? This rule may have a positive impact on family functioning by providing quality child care services to the children of these families.

4. What Effect Will This Have on Family Earnings and Family Budget? The rule should have no impact on the family earnings or budget.

5. What Effect Will This Have on the Behavior and Personal Responsibility of Children? Services targeting young children in child care facilities should improve with the accreditation of more Class A providers which could positively impact a child's behavior.

6. Is the Family or Local Government Able to Perform the Function as Contained in this Proposed Rule? No, this program is strictly an agency function.

Interested persons may submit written comments by December 30, 2002, to the following: Ann S. Williamson, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, Louisiana, 70804-9065. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on December 30, 2002, at the Department of Social Services,

A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (504) 342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Child Care Assistance
Programs C Incentive Bonuses**

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

The estimated costs of amending §5107 is \$378,862 for FY 02/03 and thereafter. Monies will be used to cover the cost of the Quality Incentive Bonus to Class A providers who attain National Association for the Education of Young Children (NAEYC) accreditation in the amount of \$114,500 and to Family Child Day Care Home (FCDCH) providers who participate in the Department of Education (DOE) Child and Adult Care Food Program in the amount of \$264,362. The cost of publishing rulemaking is estimated to be \$160.

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

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

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

The proposed Rule results in no costs to any persons or non-governmental groups.

Eligible Class A child care providers will benefit economically from the increase in the bonus they will receive by attaining NAEYC accreditation and the bonus being offered to FCDCH providers who participate in the DOE Child and Adult Care Food Program will benefit these providers economically as well. The estimated economic impact to providers is \$378,862 in incentive bonus monies.

There are no economic benefits to non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed actions will have no impact on competition and employment.

Ann S. Williamson
Assistant Secretary
0211#048

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

TANF Initiatives
(LAC 67:III.5561-5571, and 5533)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, proposes to adopt LAC 67:III, Subpart 15,

Chapter 55, §§5561, 5563, 5565, 5567, 5569, and 5571 as TANF Initiatives and to amend §5533.

Pursuant to Act 13 of the 2002 Regular Session of the Louisiana Legislature, the agency will adopt several new TANF Initiatives including, §5561 Child-Parent Enrichment Services Program, §5563 Substance Abuse Treatment for Needy Families, §5565 Family Strengthening and Healthy Marriages Program, §5567 Parental Involvement Services Program, §5569 Alternatives to Abortion Services Program, and §5571 Parenting/Fatherhood Services Program, for the purpose of developing and implementing family-strengthening initiatives designed to provide intervention and support services that will enable low-income parents to act in the best interest of their children. Additionally, the agency is amending §5533 Transportation Services Program, to make services aimed at overcoming transportation barriers available to low-income families. The original transportation program was available only to persons participating in a TANF Initiative program.

All programs have been effected by several Declarations of Emergency. Section 5561 was effected by an Emergency Rule signed September 1, 2002, and Section 5563 by an Emergency Rule signed September 10, 2002. The adoption of Sections 5565, 5567, 5569, and 5571 and the amendment to Section 5533 were effected by an Emergency Rule signed September 30, 2002.

Title 67

SOCIAL SERVICES

**Subpart 15. Temporary Assistance to Needy Families
(TANF) Initiatives**

Chapter 55. TANF Initiatives

§5533. Transportation Services Program

A. Effective September 30, 2002, the agency shall enter into contracts with public agencies, non-profit, or for-profit organizations to provide low-income families with transportation services to assist them in overcoming transportation barriers. These services may include but are not limited to: vehicle ownership, commuter shuttles, reverse-commute shuttles, vanpools, and other modes of transportation. The agency may also make funding available for transportation of participants in TANF Initiative Programs.

B. Eligibility for services is limited to persons participating in a TANF Initiative Program or to members of a needy family. A needy family consists of minor children, custodial and non-custodial parents, legal guardians, and caretaker relatives of minor children, who have earned income at or below 200 percent of the federal poverty level. An eligible person who is employed may be provided on-going services. An eligible, unemployed person may be provided short-term, non-recurrent services that shall not exceed four months and shall be associated with an episode of need or crisis situation.

C. Services meet the TANF goals to provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives or to end dependence of needy parents by promoting job preparation, work, and marriage.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 36:474 and 46:231; and Act 12, 2001 Reg. Session, Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:352 (February 2002), LR 29:

**§5561. Child-Parent Enrichment Services Program
Effective September 1, 2002**

A. The Department of Social Services, Office of Family Support, shall enter into Memoranda of Understanding or contracts to create quality, early childhood education and parenting programs at various sites, such as schools, Head Start Centers, churches, and Class A Day Care Centers to provide children with age-appropriate services during the school year, school holidays, summer months and before-and-after school and to provide parents, legal guardians, or caretaker relatives of children with parenting and adult/family educational services.

B. Services offered by providers meet the TANF goals to prevent and reduce the incidence of out-of-wedlock births by providing supervised, safe environments for children thus limiting the opportunities for engaging in risky behaviors, and to encourage the formation and maintenance of two-parent families by providing educational services to parents or other caretakers to increase their own literacy level and effectiveness as a caregiver.

C. Eligibility for services is limited to needy families. A needy family is a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaCHIP) benefits, Supplemental Security (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level. A needy family consists of minor children, custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

§5563. Substance Abuse Treatment Program for Needy Families

A. The Office of Family Support shall enter into a Memorandum of Understanding with the Office for Addictive Disorders (OAD) wherein OFS shall fund the cost of substance abuse screening and testing and the non-medical treatment of members of needy families to the extent that funds are available commencing June 1, 2002.

B. These services meet the TANF goal to end the dependence of needy parents on government benefits by providing needy families with substance abuse treatment so that they may become self-sufficient in order to promote job preparation, work, and marriage.

C. Eligibility for services is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level. A needy

family includes a non-custodial parent, caretaker relative, or legal guardian who has earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5565. Family Strengthening and Healthy Marriages
Effective September 30, 2002**

A. The Department of Social Services, Office of Family Support, shall enter into Memoranda of Understanding or contracts to provide services to improve and promote family relationships, encourage marriage, reduce incidence of out-of-wedlock births, decrease the rate of divorce, and provide services that will educate and supply young people with the guidance to break the cycle of living in fatherless homes. These intervention and support services are designed to enable low-income parents to act in the best interest of their children.

B. Services offered by providers meet the TANF goals to end dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock births, and to encourage the formation and maintenance of two-parent families and may be accomplished through a variety of projects including but not limited to:

1. development of an information clearing house;
2. best practices research;
3. development of a statewide network of marriage trainers and additional partners such as health care providers, members of the judiciary, and faith-based partners, to assist in implementing the initiative; and
4. development of handbooks and videos, media buys for outreach, curriculum development, and demonstration projects.

C. Eligibility for services is limited to needy families which consists of minor children, custodial and non-custodial parents, legal guardians, or caretaker relatives of minor children who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5567. Parental Involvement Services Program
Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts to provide pro bono or low cost legal services that may include: mediation; development of parenting plans or other services to obtain regular visitation arrangements with the children; or legal assistance to non-custodial parents in resolving disputes resulting from a deviation in an existing visitation order. Referrals that assist low-income, non-custodial parents to overcome social, financial, and emotional barriers that hinder access to their children will also be provided. These services are designed to enable low-income parents to act in the best interest of their children.

B. These services meet the TANF goals to end dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock births, and to encourage the formation and maintenance of two-parent families by improving the parent's ability to act in the best interest of their children, providing the children continuous and quality access to both parents, improving the well-being of the children, and encouraging healthy relationships, youth development, and responsible fatherhood.

C. Eligibility for services is limited to non-custodial parents of minor children who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5569. Alternatives to Abortion Services Program
Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts with public agencies, non-profit organizations, or for-profit organizations to provide intervention services including crisis intervention, counseling, mentoring, support services, and pre-natal care information, in addition to information and referrals regarding healthy childbirth, adoption, and parenting to help ensure healthy and full-term pregnancies as an alternative to abortion.

B. These services meet the TANF goals to provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives and to encourage the formation and maintenance of two-parent families by providing pregnancy and parenting support to low-income women, their male partners, and families who are experiencing an unplanned pregnancy.

C. Eligibility for services is limited to pregnant or potentially pregnant women, their male partners, and/or minor children whose earned income is at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

**§5571. Parenting/Fatherhood Services Program
Effective September 30, 2002**

A. The Office of Family Support shall enter into contracts with public agencies, non-profit, or for-profit organizations to create programs that will assist low-income fathers with various skills including employment, life, parenting, and other skills in order to increase their ability to provide emotional and financial support for their children, and to create a network of community- and faith-based programs that will provide linkages to and for state entities, specifically Child Support Enforcement Services.

B. These services meet the TANF goals to end the dependence of needy parents by promoting job preparation, work, and marriage, to prevent and reduce the incidence of

out-of-wedlock births and to encourage the formation and maintenance of two-parent families by eliminating emotional, social, financial, and legal barriers that hinder a father's ability to be fully engaged in his children's lives.

C. Eligibility for services is limited to fathers of minor children, who have earned income at or below 200 percent of the federal poverty level.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:

Family Impact Statement

1. What Effect Will This Rule Have on the Stability of the Family? Implementation of this Rule should have a positive impact on family stability as it will provide intervention and support services to young children and their families that will enable low-income parents to act in the best interest of their children thereby contributing to the stability of the family.

2. What Effect Will This Have on the Authority and Rights of Persons Regarding the Education and Supervision of Their Children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What Effect Will This Have on the Functioning of the Family? This Rule should have a positive impact on family functioning by providing family members with various services designed to strengthen the family unit including non-medical substance abuse treatment, enrichment centers for parents and their children, legal services, crisis intervention and counseling, transportation services, and skills training for low-income fathers. Services such as these should foster secure child/family relationships leading to stable family functioning.

4. What Effect Will This Have on Family Earnings and Family Budget? The Rule will have no effect on family earnings and budget.

5. What Effect Will This Have on the Behavior and Personal Responsibility of Children? Services targeting young children such as enrichment centers, and providing children with continuous, quality access to both parents should positively impact the behavior and personal responsibility of the children.

6. Is The Family or Local Government Able to Perform the Function as Contained in this Proposed Rule? No, this program is strictly an agency function.

All interested persons may submit written comments through December 30, 2002, to Ann S. Williamson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065.

A public hearing on the proposed rule will be held on December 30, 2002, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working

days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Gwendolyn P. Hamilton
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: TANF Initiatives**

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

The cost of amending §§5533 and implementing the TANF Initiatives at §§5561 through 5571 is estimated to be \$11,247,886 for FY 02/03. The agency will enter into Memoranda of Understanding or contracts with state agencies and other entities to provide services for the programs and funds for these services will be allocated from Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant to the specified entities. The minimal cost of publishing rulemaking is approximately \$400. The total increase in expenditures can be met with funds from Louisiana's TANF Block Grant. Future expenditures are subject to legislative appropriation.

There are no costs or savings to local governmental units.

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

Through interagency transfers and contracts, the various state and local governmental agencies and other entities detailed in the Notice of Intent will receive increased revenues totaling \$11,247,886 to be expended in the provision of services for the newly-implemented TANF Initiative programs and for expansion of the Transportation Services program

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

These TANF Initiatives provide assistance in the form of services, therefore, there is no immediate cost or economic benefit to any persons or non-governmental groups. However, the programs have a long-term goal of improving the economic situations of the targeted families.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will have no impact on competition and employment.

Ann S. Williamson
Assistant Secretary
0211#047

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Black Bass Regulations Daily Take and Size Limits
(LAC 76:VII.149)

The Wildlife and Fisheries Commission hereby advertises its intent to establish the following Rule on black bass (*Micropterus spp.*) on Poverty Point Reservoir, located north of the town of Delhi in Richland Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§149. Black Bass Regulations Daily Take and Size Limits

A. - B. 3. ...

4. Poverty Point Reservoir (Richland Parish)

a. Size limit: 14 inch B 17 inch slot. A 14 B 17 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

b. Daily Take: five fish.

c. Possession Limit:

i. On water C Same as daily take.

ii. Off water C Twice the daily take.

*Maximum total length C the distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with the mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), R.S. 56:325(C), R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR:14:364 (June 1988), amended LR 17:278 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR 23:1168 (September 1997), LR 24:505 (March 1998), LR 26:97 (January 2000), LR 28:104 (January 2002), LR 29:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments of the proposed Rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Thursday, January 3, 2003.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Black Bass Regulations Daily Take and Size Limits

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

The proposed Rule will have no implementation costs. Enforcement of the proposed Rule will be carried out using existing staff.

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

The proposed Rule will have no effect on revenue collections of state and local governmental units.

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

Sport fishermen who fish in Poverty Point Reservoir will be affected by the proposed action. They will be able to retain only up to five largemouth bass in their daily creel. In addition, it will be illegal to keep or possess any black bass with a maximum length between 14 and 17 inches.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule will have no effect on competition and employment in the private or public sector.

James L. Patton
Undersecretary
0211#053

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office